



Planning Proposal PP-2022-658

To rezone and increase height and FSR at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village)

Ku-ring-gai Council Submission - October 2022



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Executive Summary

Ku-ring-gai Council has considered the planning proposal at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village) seeking amendment to the Ku-ring-gai Local Environmental Plan 2015 to alter the zoning and development standards to enable 3 to 7 storey development on the site.

Ku-ring-gai Council strongly objects to the planning proposal as it fails to demonstrate strategic and site specific merit as evidenced in this submission.

This Council does not want to be held in any way responsible in the event of a bushfire related incident and any resulting coronial inquest on increase of population on 95 - 97 Stanhope Rd, Killara, nor for any loss of life or property elsewhere in the LGA that results from the setting of precedent through the approval of this planning proposal.

If this site was considered as a greenfield site in today's environment, with awareness of the greater risks of climate change and likelihood of more frequent and intense fire events, this site would not be deemed suitable for the development of seniors housing or other vulnerable uses. Given the use is existing, it is accepted that the landowner has the right to retain the existing number of vulnerable people on the site. It is not accepted that the population be increased on the site due to the risks and the inappropriate development type that would be necessary to accommodate higher numbers of people.

Key points of contention include:

Merit

- The proposal has not demonstrated a balance of positive strategic merit aligned with the *Greater Sydney Region Plan - A Metropolis of Three Cities*, the *North District Plan*, the *Ku-ring-gai Local Strategic Planning Statement* and the *Ku-ring-gai Housing Strategy*.
- The proposal fails to demonstrate site specific merit on the fundamental issues of bushfire risk, ecology and heritage consideration.

Precedent

- The potential setting of precedents through approval of this planning proposal will result in the erosion of the multi-disciplinary approach taken by Ku-ring-gai Council to provide a high quality living environments consistent across the LGA through a place based approach that demonstrates hazard protection of its citizens.
- This precedent will likely undermine this Council's exemplary work in bushfire protection measures continuing to be embedded in the planning system, which other Council areas look to model and which is of interest to the Department of Planning and Environment's Bush Fire Planning, Resilience and Urban Sustainability team.

Bushfire

- The proposal fails to demonstrate protections to the proposed increased population on the site, including vulnerable elderly, in an environment of changing climate patterns and the expected increased incidence and severity of fire related events.
- The exhibited bush fire report attached to the planning proposal contains no detail to substantiate the claims of safety to citizens, instead the proposal appears to rely on the support of the NSW RFS to justify the lack of factual evidence in the exhibited planning proposal materials.
- The planning proposal fails to provide transparent exhibited bushfire related evidence to warrant the departure from key strategic considerations that are applied to all other sites across the LGA and NSW and that, if approved, would set precedents detrimental to key work related to bushfire safety.
- Detailed design evidence pertaining to bushfire aspects cannot be deferred to the development application stage, it is required at this planning proposal master plan stage to determine if the increased dwellings and population on the site is warranted or not.
- Calculated and detailed information on bushfire risk measures is necessary as it will enable authorities to make informed and responsible decisions. These decisions will be accountable in any future inquiry into the agreement of increased populations on bushfire prone land.

Liveability

- Dense development as proposed is more appropriately placed in and around urban centres, not on low density bushland sites at distances more than the considered 800m stipulated in the *Greater Sydney Region Plan - A Metropolis of Three Cities* and the *North District Plan*.
- The planning proposal will deliver a built form mass with extensive excavation across large footprint buildings that preclude the provision of quality onsite active open space, and that would enable deep soil provisions to support site ecology and preservation of the tree canopy to the important and intact canopy ridgeline.
- The proposed densities are excessive for the site. The inability of the proposal to properly ameliorate impact to the streetscape, to the bushland fringe, to the ridgeline tree canopy, to 91 Stanhope Rd plus deliver onsite bulk and scale that delivers good solar access and open spaces, points to the necessity for a reduction in the proposed standards.

Feasibility

- It is accepted that the development may be dated and require refurbishment, however, no evidence has demonstrated why the site cannot be redeveloped under the Housing SEPP control bonuses. The current standards would enable manageable increases to dwelling numbers and onsite population.
- No evidence such as a feasibility study has been provided to demonstrate why the extreme intensification of development standards on the site is required to secure its redevelopment, particularly when those standards do not deliver development that can relate nor respect its context.

Lack of detail

- The lack of detail provided in the planning proposal Urban Design Report, and generally across the planning proposal documentation, suggests that the key consideration of the master plan is to primarily achieve certain development potentials that will benefit the landowner with only an ancillary address the issues of the site.
- The lack of foundational site analysis, site planning and built form massing based on demonstrated detail and compliance with required standards has not been furnished in the proposal's exhibited studies. This is of concern given the high bushfire risk of the site and the clear values of the site context, neither of which have been adequately addressed to give evidence for the increased standards.
- Without this detailed consideration, it is unrealistic to assume that the proposed master plan densities and site treatment would meet required standards under the multiple Acts, SEPPs and Instruments and be acceptable at a DA stage.

It is negligent, therefore, to embed standards for increased site potential through a planning proposal when those standards have not been shown to be based on sound and reasonable planning and design principles. Equally it is unreasonable to then manipulate standards in the KDCP to enable incongruous outcomes for the site - especially as this site has multiple constraints and considerations which speak to strategic and site specific merit, and which are not met in the proposal.

Ku-ring-gai Council recommends:

1. that the Sydney North Planning Panel, as planning proposal authority, request the Minister to determine that the planning proposal not proceed;
2. that the site be redeveloped under the existing planning controls applying bonus height and FSR provisions under the Housing SEPP. This will
 - enable real negotiation with RFS for improved bushfire outcomes on the site with little to no increase in population on this site;
 - limit the potential for even higher dwelling numbers than those exhibited, but not verifiable due to lack of detail, to be delivered at the development application stage under the increased standards;
3. that a complete financial analysis and costing be included to support the claim for increased site potential;
4. that if higher development standards are sought for the site, a new planning proposal be commenced that includes full detailed evidence to demonstrate:
 - how the master plan, that informs the planning proposal's dwelling numbers and increased standards, has addressed the key considerations of the site including bushfire, landscape, ecology, heritage, street and bushland interface;
 - how the masterplan balances and resolves conflicting tensions between the consideration disciplines, such as bushfire and ecology, to deliver a holistic outcome for the site and its context;

- how the masterplan will enable the integrity and retention of the intact canopy tree line to the skyline, and deliver buildings that do not protrude above the canopy at the highly visible ridgeline forming the backdrop to the adjacent bushland heritage items;
5. that any resubmission of the planning proposal address the inconsistencies with section 9.1 Directions 4.3 Planning for Bushfire Protection and 5.1 Integrating Land Use and Transport, and give transparency of their consideration through exhibition;
 6. that any resubmitted proposal provide detailed and transparent information on:
 - bushfire risk consideration including evacuation and relocation of populations;
 - bulk and scale impacts on the heritage, landscape and low density housing setting;
 - heritage significance of Headfort House and its curtilage, and its potential listing;
 - landscaping parameters with deep soil and canopy tree provisions;
 - interface and integration of built form with the bushland fringes;
 - retention of bushland ridgelines with landscape;
 - numbers of people likely to occupy the site, residents and workers, and the resultant vehicular use;
 7. that detail be provided on:
 - estimated numbers of population the proposal will generate on site by dwelling type;
 - vehicle movement counts at new access points in/out of the site including service and visitor vehicles;
 - feasibility of relocation of the population off-site during a fire event, particularly the elderly and those with dementia;
 - the function and design of the refuge and how it will hold the proposed onsite population including the 110 high care patients, and logistics and health implications of moving high care including dementia populations in and out of a refuge and into a replacement facility;
 - verification from NSW Health and SES on whether the treatment of these population types and numbers in a hazard event warrants the increase in population on the site;
 8. that all recommendations in the body of this submission relating to specific considerations be included and applied to any consideration of a planning proposal for the site, namely at Part 2 Strategic Merit Assessment, Part 3 Bushfire Assessment, Part 4 Urban Design Assessment, Part 5 Heritage Assessment, Part 6 Ecology Assessment, Part 7 Transport and Traffic Assessment.

Part 1 - Considerations

This submission presents Ku-ring-gai Council's assessment of the planning proposal for 95 - 97 Stanhope Road, Killara. The assessment has been conducted in line with the merit assessment required under the *Local Environmental Plan Making Guideline December 2021, DPIE*. The findings are presented as follows:

- **Part 1** – Considerations
- **Part 2** – Strategic Merit Assessment
- **Part 3** – Bushfire Assessment
 - CR Bushfire: Peer Review of Planning Proposal
 - Bushfire Strategic Study
 - Bushfire Evacuation Risk Methodology and Assessment
 - Minutes RFS-Council 12 September 2022
- **Part 4** – Urban Design Assessment
 - Urban Design Consideration
 - Assessment of proposed DCP
- **Part 5** – Heritage Assessment
- **Part 6** – Ecology Assessment
- **Part 7** – Transport and Traffic Assessment

Background

Ku-ring-gai Council received an agency consultation request from the Department of Planning and Environment (DPE) to comment on the exhibited planning proposal at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village). The exhibition was conducted from 17 August to 27 September 2022. It is understood that surrounding residents were notified by the Department and the exhibition was advertised on the DPE website.

The exhibited planning proposal seeks amendment to the *Ku-ring-gai Local Environmental Plan 2015* to alter the zoning and development standards to enable 3 to 7 storey development on the site.

In 2018, Ku-ring-gai Council considered Stockland's planning proposal for the Lourdes Retirement Village. Council was not in support of the Planning Proposal.

The planning proposal was then considered by the Sydney North Planning Panel (SNPP) at a Rezoning Review (RR_PP_RR_2018_KURIN_001_00) on 7 November 2018. The SNPP Rezoning Review Decision may be seen at **Appendix A**.

The Panel supported the Planning Proposal to progress, with amendment, to the Department of Planning and Environment for Gateway determination. A revised Planning Proposal was submitted to the Department on 18 June 2021. Stockland has since sold the land to EQT Infrastructure who take ownership of this planning proposal.

The planning proposal proposes to amend the Ku-ring-gai LEP 2015 as indicated in the below table:

KLEP 2015 ZONING AND 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	0.75:1
Height of Building	9.5m	<ul style="list-style-type: none"> • 22m to the northeast of the site (7 storey) • 20.5m to the central part of the site (6 storey) • 16m north to northwest of the site (5 storey) • 14.5m to the northwest of the site (4 storey) • 11.5m adjacent to Stanhope Road (3 storey) • 9.5m to the south and east of the site (3 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

Note: indicative number of storeys calculated on 3m/storey

The proposal will result in the housing provisions as follows:

COMPARISON OF EXISTING AND PROPOSED DWELLING NUMBERS - 95-97 Stanhope Road, Killara		
	Existing Dwelling Numbers	Proposed Dwellings Numbers
Independent Living Units (ILU)	108	141
Serviced Apartments (SA)	49	0
Town Houses (non-seniors)	0	63 (non-seniors)
Residential Aged Care Facility (RACF)	83 beds	110 beds
Total	240 dwellings	314 dwellings

Note: each RACF bed is treated as one dwelling

The proposal will result in the following estimated on-site populations:

NUMBER OF PEOPLE BASED ON UNIT SIZES - 95-97 Stanhope Road, Killara (Urban Design Report: plus Architecture)					
	RACF (110 Beds)	ILUs (141 ILUs)			Townhouses (63 Townhouses)
No of Bedrooms	110	1	2	3	4
Total Bedrooms	110	20	77	44	63
No of People	110 (1 per bed)	306 (1 per bedroom)			252 (4 per townhouse)
Total People	668 people (RACF+ILU+Townhouses)				

- It is acknowledged that the current planning proposal has decreased dwellings numbers since the 2018 proposal; however, it still proposes an additional 74 dwellings which will increase onsite populations by approximately 215 people, excluding any additional staff and likely visitors.

The existing development comprises primarily 2-3 storey development, presentation of 2-storey to Stanhope Road and to the bush interface, and all development being well below the tree canopy and within a landscape setting typical of the character of this area.

- The onsite Headfort House has been found to have heritage significance. Since it was not included for heritage listing consideration as part of the 2018 planning proposal nor in this

2022 proposal, Ku-ring-gai Council has submitted a planning proposal for its listing. The planning proposal has received a Gateway determination to proceed to exhibition.

Assessment of the planning proposal

Assessment of the planning proposal is provided at Part 2 to Part 7 of this submission.

- Part 2 addresses the strategic merit of the proposal.
- Part 3 to Part 7 inform the strategic merit and address the site specific merit of the proposal.

Zoning and standards approach

The planning proposal approach to apply a medium density R3 zoning with maximum building heights ranging from 9.5m (3 storey) to 22m (7 story), more typical of R4 High Density zoning, is inconsistent with the approach of the KLEP 2015.

- This type of mix and match approach to zoning and their associated standards under the KLEP 2015 is not supported.

The planning proposal has stated that it will apply to cancel clause 85 and clause 87 in the SEPP (Housing) 2021. The amendment of a State Environmental Planning Policy is beyond the scope of this planning proposal and cannot be applied with certainty until the amendment process is commenced and there is confirmation of approval of the SEPP amendment.

- The proponent would need to investigate the suitability of cancellation of SEPP clauses with the Department of Planning and Environment and consider the implications of precedent created to amend state policy.

The amendment to the KLEP 2015 sought by the planning proposal would set a detrimental precedent, potentially enabling future planning proposals to seek the same.

Ku-ring-gai Council has multiple similar sites with aged housing that are equally ready for redevelopment. Council is concerned at the ability of approving this planning proposal to alter the approach taken by Council which is seeking to maintain congruity across the LGA and maintain in alignment with State policy.

- Further, no feasibility analysis has been furnished to verify the proposed uplift for the site, nor has adequate resolution been provided to demonstrate the uplift is required for bushfire protections of the increased populations.
- The uplift is unsubstantiated with the planning proposal failing to align with strategic and site specific merit as stated in the *Greater Sydney Region Plan - A Metropolis of Three Cities*, the *North District Plan*, the *Ku-ring-gai Local Strategic Planning Statement* and the *Ku-ring-gai Housing Strategy*. The uplift will enable development outcomes that will have multiple detrimental site and local impacts including on the intact tree canopy skyline, on the ecology and heritage context.

Given the recent amendment to the Housing SEPP and the application of bonus height and FSR for Seniors housing, coupled with the likely profitability from any renewed development on the site attracting high paying residents, it is recommended that the proposal be rejected and the proponent make serious consideration of site redevelopment under the new Housing SEPP parameters.

- Redevelopment of the site under existing KLEP 2015 standards and the Housing SEPP would enable delivery of up to 4-storey buildings on the site with increased bonus FSR. It is unclear why a bushfire compliant design that also addresses the reduced heights to the low density and bushland boundaries cannot be achieved.

These heights would also enable proper setting of Headfort House which has been issued a Gateway decision for its heritage listing.

BONUS HEIGHT AND FSR UNDER THE HOUSING SEPP 2021		
	KLEP	SEPP Housing Part 5 – Bonus clause 87
FSR	0.3:1	+25% of seniors development site area
Heights	9.5m	+ 3.8m = 13.3m (4 storey)

- The redevelopment of the site under existing standards would enable its immediate preparation of a development application in consultation with RFS and in alignment with policies that guide senior’s housing.

In addition, progressing the redevelopment of the land will negate the requirement for any site specific DCP as the seniors housing will be subject mainly to the Housing SEPP and the ADG.

Should the landowner wish to introduce non-seniors housing on the site, it is recommended that a DA be submitted with a fire compliant design including a sub-division application to ensure the use by non-seniors.

Introduction of non-seniors housing

The planning proposal master plan proposes 63 townhouses for residential use not associated with the seniors housing.

- Council supports the mix of housing on the site; however the terraced 3-story townhouse form is not supported for the reasons covered in this submission, namely it is inconsistent with the typologies to the bushland fringe and particularly inappropriate adjacent to heritage listed bushland to which the site forms a backdrop. A more appropriate built form would be 2-storey small footprint buildings.

Apart from increasing the development potential of the site and benefit to the landowner, there is no evidenced rational for the inclusion of the proposed 63 townhouses on the site.

Medium density housing (townhouses) at this location is inconsistent with the *Greater Sydney Region Plan*, the *North District Plan*, the *Ku-ring-gai Local Strategic Planning Statement* and the *Ku-ring-gai Local Housing Strategy* which are all aligned in their objectives, principles and priorities to:

- locate increased housing densities in appropriate locations: within a 10 minute walking distance (400-800m) of local centres and transport nodes with access to facilities and reduced dependence on the use of cars;
- 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.

Any population at this location is at high risk and this risk is exacerbated through suggestion that the homes can operate as a shield to the seniors development.

This argument fails due to the greater risk of ember attack that would bypass any wall, plus the incongruity of a continuous 3-storey wall to the heritage listed bushland has not been justified. Further, safety of all people is paramount, sacrificing safety of one sector of the population for another is not agreed.

The introduction of townhouses at this location is incongruent with multiple directions, would set a negative precedent and endanger greater numbers of people, and therefore not supported.

Planning proposal assessment versus development application assessment

It is the role of a planning proposal to enable amendment to a Local Environmental Plan that

- demonstrate alignment with a majority of strategic and site specific merit; and
- that will enable a future development application to remain contiguous with State and local strategic priorities, objectives, principles.

In 2018 Council refused the planning proposal based on its failure to demonstrate strategic merit and site specific merit on multiple counts.

Council's understanding is that:

- It is not the job of a planning proposal to negotiate or facilitate a development outcome for a site in the way a development application consideration is conducted at the expense of strategic and site specific merit.
- It is the place of a planning proposal to consider whether the increased standards being requested will firstly align and be consistent with strategic principles for the State and the locality as described in the *Greater Sydney Region Plan*, the *North District Plan*, the *Ku-ring-gai Local Strategic Planning Statement* and the *Ku-ring-gai Local Housing Strategy*.
- It is not the place of a planning proposal to ignore key aspects of strategic planning principles and policy to enable a benefit of increased site development potential to a landowner, particularly where the proposal is predominantly based on unfounded evidence lacking in detail and transparency.
- It is the place of a planning proposal to demonstrate how its master plan site design has considered and applied parameters of strategic policy and considered site specific issues, and thereby clearly justify the planning proposal's request for increased standards.
- It is not the function of a planning proposal to set incongruous precedents that undermine State policy and local policy enabling similar outcomes on other planning proposals across NSW and across the LGA whose cumulative impacts undermine State and Local level policies.

Setting of precedent that undermines federal, state and local policy

The amendment to the KLEP 2015 through this planning proposal is likely to set a significant negative precedent for the Ku-ring-gai Council area and for other similarly placed areas across NSW.



Such a precedent stands to undermine and overturn many of the strategic principles that Council has instilled across its legislation, policies, guidelines and operational practices to:

- conserve its high value canopy tree landscape,
- protect its natural and built form heritage for future generations,
- provide high standards of liveability through appropriate placement of dense housing,
- ensure its forward planning approach to climate change and resilience is embedded in the planning system,
- remain consistent with and continue to be significantly aligned with state policy.

The setting of such precedents will likely result in the erosion of the multi-disciplinary approach taken by this Council to protect its citizens, particularly in the growing highly volatile climate events including rain, heat and fire.

This precedent will undermine Council's exemplary work in bushfire protection measures which is continuing to be embedded in the planning system and replicated by other local Councils.

Council does not want to be held in any way responsible in the event of a bushfire related incident and any resulting coronial inquest on this site resulting from the increase in populations proposed in this planning proposal; nor from inquests resulting on other land that leverages off the precedent of this proposal.

Sydney North Planning Panel (SNPP)

In its 2018 review, the SNPP supported the progress of the planning proposal to Gateway determination. The SNPP Rezoning Review Decision may be seen at **Appendix A**.

The SNPP stated that the proposal

“has strategic merit in that it will allow for expanded and improved aged care facilities within an existing village”.

The SNPP also considered the proposal had site-specific merit

“since it seeks to upgrade and improve the facilities of an existing retirement village allowing resolution of some of the existing constraints relating to bushfire, access, design and facilities”.

It is still unclear to Council how the above considerations related to the Objectives and Priorities in the in the *Greater Sydney Region Plan*, the *North District Plan*, the *Ku-ring-gai Local Strategic Planning Statement* and the *Ku-ring-gai Local Housing Strategy* which provided clear parameters for strategic merit.

Nor was it clear how the site specific merit were met through the unsubstantiated bushfire proposal, the lack of heritage considerations including of Headfort House, the lack of evidence to support the ecological approach to the site, and to the distance of the development from facilities and public transport.

In presenting to the SNPP in 2018, Council suggested that

- a detailed bushfire compliant design would be required to justify any new development and any increase in onsite vulnerable population including the impacts of evacuation of frail elderly people;
- a maximum of 3-4 storey development with considered interface heights to adjacent low density development would be acceptable across the site; and
- inclusion of the heritage listing of Headfort House and its setting to ensure its statutory protection.

Since the 2018 SNPP decision, new information has become available that requires assessment, including

- new standards and studies regarding consideration of seniors housing, bushfire, heritage and ecology;
- the change in approach by the current planning proposal including the introduction of non-seniors townhouses and the removal of 49 seniors serviced apartments plus a different type of bushfire assessment.

Notwithstanding the previous 2018 SNPP decision, it is understood that the current 2022 planning proposal submission will be assessed on its own merit and is required to demonstrate how it has achieved both strategic and site specific merit.

Gateway Determination Report

Part 8 of the Gateway Determination Report states that the planning proposal is supported to proceed, with conditions, for the following reasons:

1. *It is consistent with the actions of the objectives of the Greater Sydney Region Plan and the relevant planning priorities of the North District Plan.*

Response: The planning proposal is inconsistent with the majority of the objectives and controls as demonstrated at Part 2 of this submission

2. *It is consistent with the strategic direction and objectives of Ku-ring-gai Council's LSPS, considered generally consistent with the objectives of Council's LHS and gives effect to Requirement 6 of the Department's approval of the LHS.*

Response: The planning proposal is inconsistent with the majority of the objectives and controls as demonstrated at Part 2 of this submission

3. *It is consistent with relevant Ministerial Directions except with Direction 5.1 Integrating land use and transport and with Direction 4.3 Planning for bushfire protection that are considered acceptable for Gateway determination and public exhibition but will be required to be resolved prior to finalisation.*

Response: The planning proposal is inconsistent with the majority of Ministerial Directions as demonstrated at Part 2 of this submission.

4. *It is consistent with relevant SEPPs, but further discussion is required regarding the Housing SEPP.*

Response: The planning proposal is inconsistent with the majority of Ministerial Directions as demonstrated at Part 2 of this submission.

5. *It is not considered to have a detrimental environmental impact overall, including impacts associated with ecology, tree removal, heritage, the social context and the economy.*

Response: The planning proposal has serious implications for ecology and tree removal on the site, and impacts on heritage on and around the site, bulk and scale impacts on the interface with low density neighbourhood, streetscape and bushland interface as demonstrated at Part 2 to Part 7 of this submission.

It is unclear how the Gateway report has drawn these conclusions given the weight of evidence that disputes them, except that the Gateway report appears to take the planning proposal material at face value without checking and applying a rigour of assessment to the materials.

The Gateway Report recommends to

Note that the inconsistencies with section 9.1 Directions 4.3 Planning for Bushfire Protection and 5.1 Integrating Land Use and Transport will need to be fully justified and agreed prior to finalisation.

It is unclear how the two key aspects of 4.3 and 5.1, that speak directly to the conflicts with strategic and site specific merit, were not required to provide full justification prior to the exhibition of the planning proposal.

It is unclear how the Gateway Determination Report has accepted the planning proposal's unjustified evidence relating to *4.3 Planning for bushfire protection*; particularly when it is a central contention and a key factor in assessing the suitability of a planning proposal looking to increase populations, including vulnerable elderly and high dependency people, on bushfire prone land with high evacuation risks.

It is unclear how the placement of dense development and less mobile people distant to the connectivity of facilities and transport has been found to align with the merit considerations in the *Greater Sydney Region Plan*, the *North District Plan*, the *Ku-ring-gai Local Strategic Planning Statement* and the *Ku-ring-gai Local Housing Strategy*.

Council considers it important that there is a transparent address of 4.3 and 5.1 considerations, particularly how the proposal addresses bushfire risk issues, and be exhibited as part of a re-exhibited planning proposal.

The Gateway Determination Report and the planning proposal imply RFS concurrence with the planning proposal. From discussions held with RFS (Minutes of meeting attached at Part 3), it is Council's understanding that this is incorrect.

Deferring planning proposal decisions to development application (DA) stage

In considering a planning proposal, it is expected that detailed analysis and design is conducted as part of the urban study underpinning the proposal. This detail goes to clearly demonstrate how a future DA on the site could meet the majority of assessment controls under the proposed increased standards. This is the primary function of the planning proposal's accompanying urban study and master plan for the site.

Weak planning proposals often seek to gain increased standards on a site by deferring decisions to the DA stage. The deferment of detailed considerations is unacceptable as granting increased standards on the site raises the expectation of landowners to achieve a certain level of development.

The DA stage is too late to mitigate or reverse impacts on the site and will result in inadequate development outcomes, and likely a pathway through court with assessing authorities unable to agree compliance against standards.

In particular, detailed design evidence pertaining to bushfire aspects cannot be deferred to the development application stage. It is required at this planning proposal concept master plan stage

- to determine if the increased dwellings and population on the site is warranted or not - in terms of safety of people and property, and in terms of pressure on emergency services and local related facilities; and importantly,
- to enable authorities to make evidence based decisions that will be accountable in any future inquiry into responsibility and agreement of increased populations on bushfire prone land - especially with changes to climate patterns and the expected increased incidence of fire related events.

Assumptions and lack of detail

Council's assessment of the current 2022 planning proposal finds that the planning proposal approach continues to be unilateral. Its focus remains on the maximum development potential of the land without evidential justification of the suitability of those increased standards on this site.

The planning proposal and Gateway Determination Report do not address the assumptions being made and the mechanisms to ensure delivery of those assumptions as they are being used as part of the justification for the proposal.

Consideration must be given to the scope of a planning proposal and what mechanism can be tied to its amendment of a Local Environmental Plan that would affect the assumptions. This consideration would clarify if the planning proposal assessment can be based on the assumptions, particularly when removal of those assumptions would result in little strategic merit justification on those aspects.

Assumptions being applied in the assessment of this planning proposal include:

- the townhouses on the perimeter of the site will never revert to being utilised as part of the seniors housing development in the future;
- there is a way to prevent the purchase/lease of the perimeter townhouses by disabled or elderly people that would fall in the same category as the occupants of the seniors housing ILUs;
- there is a mechanism to mandate the ongoing provision and frequency of privately run onsite shuttle bus services linking to the distant local centre facilities.

Council considers these are beyond the scope of a planning proposal, do not form part of the criteria for assessment under the *Local Environmental Plan Making Guideline December 2021, DPIE* and therefore cannot be included as contributing to the suitability of the site for increased standards.

The planning proposal and its studies generally lack detail and accuracy. It fails to provide information that demonstrates how the proposal has considered aspects not related to financial outcomes.

The planning proposal does not provide evidenced justification of key aspects including:

- the safety of increased population being placed on bushfire prone land;
- the distance of the site from services and facilities of a local centre and public transport;
- the heritage potential of the site and its heritage context,
- the ecological values of the site and intact bushland setting;
- the impacts of bulk and scale on the site itself, on the adjacent homes, on the Stanhope Rd streetscape, on the heritage listed bushland, and on the intact tree canopy skyline.

Feasibility studies to justify the planning proposal

The site is a large landholding and it is understood that any redevelopment of the land, even under the existing improved standards of the Housing SEPP, will deliver considerable financial benefit to the landowner.

- The planning proposal seeks to increase the development potential of the land which will substantially increase its profitability. The retention of existing standards would deliver a more modest development outcome on the land but still deliver profits given the cost of seniors and general housing in Ku-ring-gai.
- It is clear that the proposal will result in multiple impacts and setting of precedent contrary to State and local policy, therefore it is important that any discussions regarding the requirements for increased potential on the land are substantiated.

No evidence has been provided to demonstrate why redevelopment of the site under the existing controls is not possible, particularly under the new standards of Part 5 of SEPP Housing 2021 which enables controlled uplift of seniors housing sites.

No evidence such as a feasibility study has been provided to demonstrate why the extreme and detrimental intensification of development standards on the site is required to secure its redevelopment.

Ku-ring-gai Council finds it common for a developer to contend a necessary increase in density on the site and requires substantive financial analysis and costings to support the claim. Proper justification gives a detailed breakdown of the costs, revenue, and net impact of the investment, presenting the case for the investment, as against what Council feels is more appropriate for the site given proper planning outcomes. The feasibility analysis would also show why the less intensified development under the new Housing SEPP standards is not viable.

The planning proposal puts two main considerations at the forefront:

1. Provision of increased housing numbers for a growing seniors population and to introduce non-seniors housing on the site.

Whilst numbers of dwellings are being increased by 74 (approximately 215 additional people excluding staff and visitors), the planning proposal has failed to address the imbalance of strategic merit in locating densities within a 10 minute walking distance of a local centre with facilities and

public transport. Additionally, it fails to demonstrate consideration of interface, ecological and heritage impacts of the proposal and importantly the bushfire risks and evacuation of population.

2. Enabling the redevelopment of the retirement village to improve bushfire risk aspects.

The proposal places an assumption for a bushfire compliant design to be possible on the site at the sacrifice of all other strategic and site specific merit based consideration. This approach is unfounded and not supported. The bushfire issues have not been resolved to support increased populations on the site.

Given the issues of bushfire safety on this site and its relationship to vegetation, it is paramount that a detailed bushfire analysis accompany a planning proposal for the site and be publicly exhibited. The provided bushfire reports by Blackash are highly inadequate and lacking in the detail required to make informed decisions on the site planning which involves sensitive ecology and heritage.

The planning proposal seeks that the above two considerations overrule requirements to justify strategic and site specific merit on appropriateness of location and density, and bulk and scale impacts on context, ecology and heritage. Justified consideration of these under-assessed aspects would demonstrate the unsuitability of the site for increased development standards as evidenced in Council's submission.

The approach of the planning proposal presenting as the only way to deliver improved bushfire safety outcomes on the site, and thereby compromise on other key considerations, is distracting (particularly where there is no justifying evidence on bushfire compliance) and diverts attention from the requirement to demonstrate its strategic merit.

- Any type of redevelopment on this site will improve the current bushfire aspects, the issue is the intensified development that will result from this planning proposal and whether the proposal will deliver better outcomes than those possible under existing standards.

The unilateral consideration in favour of benefit to a proponent should be replaced with a balanced outcome that properly and robustly considers the multiple aspects of this site.

- There is no evidence that demonstrates why 95-97 Stanhope Road, Killara cannot be redeveloped to upgrade the seniors housing under the current standards of the Housing SEPP, nor why Council's previous suggestion to the SNPP of a maximum 4 storey building heights would not satisfy the multiple facets of this site.

Questions from the public

Council has received multiple enquiries questioning the process and probity around this planning proposal and its progression to Gateway and exhibition.

Council has advised all residents, planners and bushfire consultants to directly approach DPE and RFS for clarity on their issues.

Key questions and responses are provided below.

1. *How is the impartial assessment of the planning proposal by DPE possible when DPE is providing the administrative assessment on behalf of the SNPP. Can information be accessed through GIPA?*

DPE has informed Council that

- The 'Agile Planning and Programs' unit within DPE is a separate unit that performs tasks for the SNPP, including discussion with the proponent and preparation of documents for the SNPP to submit to DPE for Gateway and final consideration.
- The SNPP/Agile Planning and Programs unit have prepared the exhibited planning proposal material in conjunction with the proponent. They then submitted the package to DPE via the planning portal as is required of any planning authority requesting a Gateway Determination.
- The DPE Place & Infrastructure (Metro North) Planning & Land Use Strategy team then take and independently assess the proposal for Gateway Determination.

It is Council's understanding that the two DPE units are separate, operate independently with no cross over, thus removing the opportunity for bias in a Gateway and any final Determination. Members of the public can make a formal information access application to the DPE under the Government Information (Public Access) Act 2009 (GIPA Act).

2. *Has the planning proposal to heritage list Headfort House been sent to DPE following Council's 26/07/22 meeting? Will it be considered independent of the current Stockland/EQT Infrastructure planning proposal, or will DPE be influenced by the Lourdes proposal?*

The Headfort House planning proposal was uploaded to the planning portal on 20/09/22 requesting a Gateway determination. It is Council's understanding that

- The Gateway determination of the Headfort House planning proposal will be considered by the DPE Place & Infrastructure (Metro North) Planning & Land Use Strategy team, and be considered on its own merit and not in relation to the Lourdes planning proposal which may/may not progress to finalisation.

3. *The planning proposal now includes new elements like townhouses, reduced landscape areas and a different approach to bushfire consideration. This constitutes more than minor change from the 2018 planning proposal and requires a new submission. What is Council doing about it?*

The assessment of the planning proposal is being conducted by the Sydney North Planning Panel and the Department of Planning. Questions should be directed to them to determine at what point they consider the proposal to be more than a minor amendment.

4. *How has RFS agreed to the exhibition of the Lourdes planning proposal when there is no evidence to support the planning proposal? Are there behind the scenes agreements between RFS and Blackash that have enabled the progression of inadequate documentation to be exhibited for this planning proposal?*

RFS has held various discussions with the proponents, their bushfire consultants (Blackash) and Department of Planning. Council has also met once with RFS. It is Council's understanding that

- RFS expected the exhibition to include a detailed submission regarding bushfire risk to provide transparency on resolution of bushfire aspects of the proposed masterplan.
- Similar to other agencies, RFS has been invited to comment on the exhibited planning proposal and their comments will be available to the public.

Further enquiries should be addressed to RFS.



DATE OF DECISION	Wednesday 7 November 2018
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth
APOLOGIES	Barbara Newman, Suzanne Jolly
DECLARATIONS OF INTEREST	Cedric Spencer and Sam Ngai both declared a conflict having voted on this proposal at Council meeting 22 May 2018.

REZONING REVIEW

2018SNH037 – Ku-ring-gai -RR_2018_KURIN_001_00 at 95-97 Stanhope Drive Killara (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not be submitted for a Gateway determination because the proposal has
- not demonstrated strategic merit
 - has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel has considered the Council's contention that the site is somewhat remote from the train station and commercial centres. However, the retirement village is already in place and the planning proposal would lead to an improvement in accessibility within this steep site as well as in its connection to facilities outside. On balance, the Panel considers this to be a major benefit.


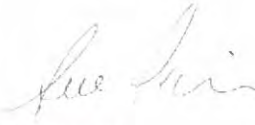

The Panel considers that the proposal has strategic merit in that it will allow for expanded and improved aged care facilities within an existing village.

The Panel considers the proposal has site-specific merit since it seeks to upgrade and improve the facilities of an existing retirement village allowing resolution of some of the existing constraints relating to bushfire, access, design and facilities.

However, the Panel would suggest to the delegate to consider the following to be part of the Gateway Determination:

1. That the concurrence of the RFS be received in relation to the proposal prior to exhibition.
2. That any Masterplan resolution in respect of Item 1. above shall ensure that the maximum height of buildings permitted is reduced by requiring buildings to utilise the topography and to be "cut into" the site.

3. That, due to the site's location, any proposal shall be required to provide a village bus to access local centres.
4. 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 being necessary.
5. That prior to any exhibition of the proposal, a site specific DCP be prepared and placed on exhibition with the Planning Proposal.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	

SCHEDULE 1

1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018SNH037 – Ku-ring-gai - RR_2018_KURIN_001_00 at 95-97 Stanhope Drive Killara
2	LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan 2015
3	PROPOSED INSTRUMENT	The rezoning review request seeks to amend the rezone the land from R2 Low Density Residential to R3 Medium Density Residential as well as amending the associated floor space ratio and height of building development standards.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 7 November 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth ○ Department of Planning and Environment (DPE) staff in attendance: Michael Cividan, Christine Gough • Briefing with Department of Planning and Environment (DPE): 7 November 2018, commencing time <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth ○ DPE staff in attendance: Michael Cividan, Christine Gough • Briefing with Council & Proponent: 7 November 2018, start time <ul style="list-style-type: none"> ○ Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth ○ DPE staff in attendance: Michael Cividan, Christine Gough ○ Council representatives in attendance: Rathna Rana, Anthony Fabbro, Craige Wyse Angela Smidmore, Joseph Piccoli, Andreana Kennedy, Penny Hemsworth Gramah Swain (Consultant) ○ Proponent representatives in attendance: Calum Ross, Jane Freeman, Lucas Flecha, Dean Hosking, Rod Rose, Andrew Hulse

Part 2 – Strategic Merit Assessment

- Greater Sydney Region Plan - A Metropolis of Three Cities
- North District Plan
- State Environmental Planning Policies
- Ministerial Directions
- Ku-ring-gai Local Strategic Planning Statement
- Ku-ring-gai Housing Strategy

Part 2 presents a detailed assessment of Strategic Merit against State and local strategic planning directions. Site specific merit is addressed at Part 3-7 of this submission.

The planning proposal states that it meets the requirements of strategic merit assessment but fails to provide evidence to demonstrate this. The Gateway Determination Report appears to have taken the planning proposal information at face value to determine consistency.

The planning proposal fails to demonstrate strategic merit.

Does the planning proposal demonstrate STRATEGIC MERIT? (detailed evidence in attached tables)							
Greater Sydney Region Plan		North District Plan		State Environmental Planning Policy		Ministerial Directions	
		Consistency					
Objective 7	X	Priority N3	√ - X	SEPP (Resilience and Hazards) 2021	√	1.4 Site specific provisions	√
Objective 10	√ - X	Priority N5	X	SEPP (Housing) 2021	X	3.2 Heritage conservation	X
Objective 11	X	Priority N6	X	SEPP (Biodiversity and Conservation) 2021	X	4.3 Planning for bushfire protection	X
Objective 13	X	Priority N12	X	SEPP 65 Design Quality of Residential Apartment Development	X	4.5 Acid sulfate soils	√
Objective 14	X	Priority N16	X			5.1 Integrating land use and transport	X
Objective 27	X	Priority N17	X			6.1 Residential zones	√
Objective 28	X	Priority N19	X				
Objective 30	X	Priority N22	X				
Objective 37	X						

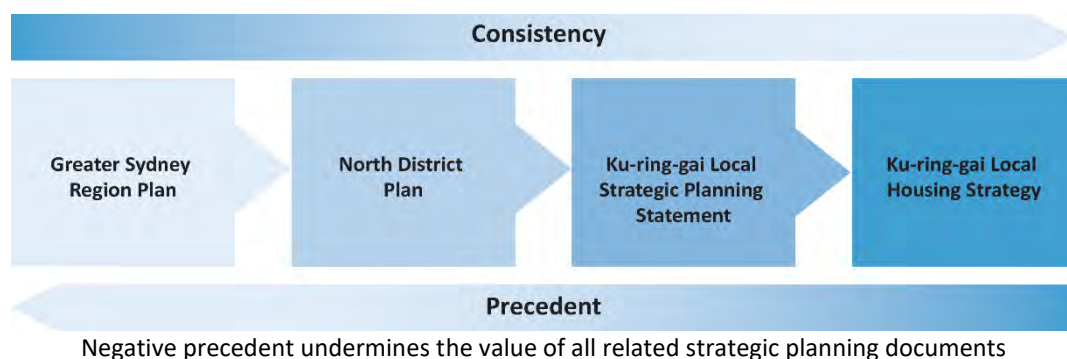
Local Strategic Planning Statement Mostly inconsistent	Local Housing Strategy Mostly inconsistent
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This planning proposal presents multiple flaws that are not backed up by detailed evidence and clearly does not achieve strategic merit nor site specific merit (as demonstrated in Part 2-7).

Ku-ring-gai Council has developed a suite of documents including its *Local Strategic Planning Statement* and its *Local Housing Strategy* to align with the *Greater Sydney Region Plan* and the *North District Plan*. This alignment enables the consistent outcomes sought by the State government across NSW. Progression of the planning proposal will set precedents on multiple issues including:

- locating high density development distant from the local centres and where there is limited public transport, creating greater car reliance and isolation of less mobile communities;
- increasing population in high bushfire risk areas particularly elderly, frail and high care people that would be unlikely to successfully evacuate and undermining existing approaches embedded in the local planning system;
- creating a higher demand and dependency on local and State services (RFS, SES, NSW Police) and facilities such as hospitals and refuges, to manage risks and alternative accommodation of relocated populations;
- ignoring key aspects of development on a bushland edge particularly where that bushland is high value and heritage listed, and ignoring impacts to surrounding low density development;
- ignoring the importance of retaining the intact tree canopy skyline in areas that link directly to national Park and open bushland.

The erosion of the principles, priorities and objectives at the local level through such precedents undermines the purpose of the *Greater Sydney Region Plan* and the *North District Plan* in setting strategic directions that consider the multiple and cumulative impacts of development, and that seek to ensure that strategic planning adopts a considered and balanced approach to land use and its development.



It is recommended that the Sydney North Planning Panel, as planning proposal authority, request the Minister to determine that the planning proposal not proceed; as it fails to demonstrate

- evidenced strategic merit as required by the
 - *Greater Sydney Region Plan - A Metropolis of Three Cities; and*
 - *North District Plan; and*
 - *Ku-ring-gai Local Strategic Planning Statement; and*
 - *Ku-ring-gai Housing Strategy; and*
- alignment with key *State Environmental Planning Policies; and*
- alignment with the majority of *Ministerial Directions*.



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
<p>Objective 7 – Communities are healthy, resilient and socially connected</p>	<p>Objective title listed with no justification</p>	<p>The proposal will provide the opportunity to improve the street layout of the site and enhance legibility, walkability and accessibility for seniors housing occupants.</p>	<p>Inconsistent.</p> <p>References in the planning proposal for onsite provisions seeking to make up for the lack of connectivity of the site are irrelevant to the planning proposal as</p> <ul style="list-style-type: none"> • they are not enforceable through an amendment to the KLEP 2015; and • they are not matters for consideration in determining the suitability of the site for high density development. <p>The planning proposal proposes to improve the central internal street in front of the 6 storey seniors housing buildings. However, in the context of <i>The Greater Sydney Region Plan</i> which looks to connect communities through appropriate placement of increased housing within a 10 minute walking distance of local centres and transport nodes, the Gateway Determination interpretation of this objective to be limited within the site itself is questionable.</p> <p>Further, there is no consideration regarding the occupants of the proposed non-seniors 63 townhouses on the fringe of the development and their connectivity, walkability and accessibility to facilities and transport in accordance with <i>The Greater Sydney Region Plan</i>.</p> <p>Objective 7 seeks healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities through providing walkable places, prioritising opportunities for people to walk and use public transport, co-locating schools, health, aged care, sporting and cultural facilities to promote cross-community connection and interaction.</p> <p>The planning proposal site does not meet the requirements of Objective 7 as it is an isolated site significantly more than a 10-minute walking distance from a local centre with mixed community facilities that promote socially connected communities.</p> <p>This objective recognises that there is no mechanism in a planning proposal to mandate the provision of onsite facilities and therefore distance from local centres and transport hubs is a key consideration for any high density development to ensure the onsite community is guaranteed social connectivity.</p>
<p>Objective 10 – Greater housing supply</p>	<p>Objective title listed with no justification</p>	<p>A Residential Aged Care Facility with 110 beds, 141 seniors Independent Living Units and 63 medium density dwellings are proposed for the site. This amounts to an additional number of 27 aged care beds and 47 dwellings than currently exists on the site.</p>	<p>Partially consistent.</p> <p>Although the proposal provides an additional 74 dwellings on the site, <i>The Greater Sydney Region Plan</i> puts emphasis on increasing densities on land within/close (within a 10 minute walking catchment) to local centres with facility for walking, cycling and good proximity to transport.</p> <p>The Plan emphasis providing</p> <p>“more housing in the right locations ...(and) recognises that not all areas of Greater Sydney are appropriate for significant additional development. Challenges relating to a lack of access to shops, services and public transport or other necessary infrastructure, and local amenity constraints require careful consideration.”</p> <p>The proposal seeks to facilitate a high density development on land that is outside the 400-800m walking catchment of the Lindfield Local Centre, retail services and rail station (1.8km from the site), and from the limited services and rail station, and post office at Killara (1.3km from the site).</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
			<p>In addition, the site is not well-served by public transport. It has one bus service, Route 556 provided by Transdev, operating inadequate services to the site with very limited weekend and public holiday provision.</p> <p>There is insufficient justification for increasing density on land that is distant from services, with limited public transport access for increased numbers of elderly residents and non-elderly residents in the 63 townhouses, their visitors and on site employees.</p> <p>Further the planning proposal fails to justify that this is the right location to increase population, including vulnerable elderly people. It fails to give evidence on how the population would be protected and on high risk bushfire prone land.</p>
<p>Objective 11 – Housing is more diverse and affordable</p>	<p>Objective title listed with no justification</p>	<p>The proposed townhouses present an opportunity to improve the diversity of housing in the Ku-ring-gai LGA, catering for changing demographics and household structures.</p>	<p>Inconsistent.</p> <p>Objective 11 seeks a “diversity of housing types, sizes and price points can help improve affordability”. It relates to the provision of diverse and affordable housing and how diverse housing can enable affordability. It does not relate to diverse housing typologies alone.</p> <p>The objective seeks to improve affordability by diversifying housing so that it becomes more accessible to wider sectors of the population.</p> <p>The proposal removes the on-site diversity aimed at the ageing population by totally removing provision of serviced apartments.</p> <p>63 non-seniors townhouses are proposed on the site; however neither they nor the proposed seniors independent units and residential care beds address Objective 11. They do not make available “smaller dwellings to meet the growing proportion of small households as well as the growing distance between areas where housing is affordable and the location of employment and education opportunities”.</p> <p>The planning proposal and its urban study indicates that the housing on the site and the housing types are aimed at an affluent population</p> <ul style="list-style-type: none"> • the proposed seniors housing is aimed at “more affluent contemporary retirees” and an “emerging generation of affluent seniors” and will not cater to a diverse aged population; and • the 63 non-seniors townhouses comprise 4 bedroom units with minimum current market values of \$2,100,000 unlikely to attract any type of diverse population. <p>Objective 11 also looks to “increasing the supply of housing that is of universal design and adaptable to people’s changing needs as they age” however the planning proposal’s DCP provides lesser standards for universally designed accommodation even within its senior’s housing than the Ku-ring-gai’s DCP which is focussed on ageing in place.</p>
<p>Objective 13 – Environmental heritage is identified, conserved and enhanced</p>	<p>Objective title listed with no justification</p>	<p>The proposal will not have a detrimental impact on surrounding heritage items and conservation areas. No listed heritage items are located on the site.</p> <p>The planning proposal’s Heritage Impact Statement (Attachment A8) concludes that the proposal is supported on heritage grounds subject to further</p>	<p>Inconsistent</p> <p>The planning proposal does not address the heritage implications of the proposal. The Gateway determination report assessment has not adequately evaluated the planning proposal, taking at face value the proposal’s unfounded justifications regarding heritage impact.</p> <p>Objective 13 requires</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
		<p>heritage consideration in the process of detailed design.</p> <p>The proposal will not have a detrimental impact on surrounding heritage items and conservation areas including Seven Little Australian’s Park, Swain Gardens and Crown Blocks Conservation Area.</p> <p>Although not listed as a heritage item, the proposal seeks to retain Headfort House that is used as a chapel.</p> <p>Further consideration of heritage is discussed Sections 4.1 of this report.</p> <p>[Section 4.1 concludes: The proposal is not anticipated to have a detrimental impact on the existing heritage items and conservation areas. Further heritage assessment will be required at the detailed design stage.]</p>	<p>“Heritage identification, management and interpretation so that heritage places and stories can be experienced by current and future generations” and states “areas of natural heritage are found in wilderness areas and managed landscapes across Greater Sydney. These are often sites of important biodiversity and cultural value and many are significant to Aboriginal people.”</p> <p>The subject site includes on-site heritage significance in</p> <ul style="list-style-type: none"> its Crown Blocks Conservation Area C22 at the north-west corner of the site adjacent to 91 Stanhope Road; and a building of heritage significance ‘Headfort House’ located in the north-west corner of the site and recognised by the planning proposal’s GML Heritage report (May 2017) <p>The site is surrounded by heritage significance with</p> <ul style="list-style-type: none"> Crown Blocks Conservation Area C22 to the west, south and east of the site; Seven Little Australians Park heritage item I1100 to the south and east of the site; Swain Gardens heritage item I1103 to the west of the site; and Lindfield Soldiers Memorial Park, heritage item I1099 to the east of the site. <p>The subject site forms the sweeping backdrop, up to its highest ridge point, to the cultural landscape relating to both the Seven Little Australian’s Park and the Lindfield Soldiers Memorial Park. The site is highly visible from and in the context of these two historical natural landscape heritage items.</p> <p>The subject site sits in the heritage context of the Heritage Conservation Area and Heritage Items and there is onus for the proposal to give due consideration of its master plan and built form to assimilate into this heritage context and character.</p> <p>The conclusions of the planning proposal’s Heritage Impact Statement by Urbis regarding acceptability of the proposal have not been demonstrated. However the Gateway determination report states the “proposal will not have a detrimental impact on surrounding heritage items and conservation areas including Seven Little Australian’s Park, Swain Gardens and Crown Blocks Conservation Area”, and supports the Urbis conclusions to defer heritage assessment to a “detailed design stage”.</p> <p>Objective 13 of the <i>Greater Sydney Region Plan</i> requires upfront consideration and justification at the planning proposal stage and not deferment of consideration when there will be no obligation nor ability to deliver any meaningful address to the bulk and scale impacts on heritage considerations.</p> <p>The proposal fails to demonstrate how the excessive development footprint and the protrusion of 6-7 storey building bulk above the tree line will integrate with the surrounding “biodiversity and cultural value” and respect the setting of bushland areas highly likely to have unmapped significance to Aboriginal people. Nor does it present any interpretation of the impactful elements that to enable the heritage places and stories to “be experienced by current and future generations”.</p> <p>The submitted graphics of the proposed built form are inadequate to support the proponent’s conclusions that the built form will have acceptable heritage impacts. The provided elevated views of the proposed built form disguise the bulk and height of the development and are views that will not be accessed nor appreciated. Additionally views are furnished that purposefully disguise the impacts of bulk and scale on heritage setting of the Heritage Items and HCA.</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
			<p>The Urbis Heritage Impact Statement of June 2021 and GML Heritage Headfort House Assessment of May 2017 makes no provision for conserving the heritage of the onsite Headfort House and its setting, the heritage conservation area and heritage items in the vicinity.</p> <p>The Urbis states</p> <ul style="list-style-type: none"> “the proposal is considered to have a positive impact on Headfort House and there are opportunities to further enhance the significance of the item in the future”. <p>Urbis fails to consider that there is no statutory mechanism to ensure any consideration of the treatment of Headfort House and its curtilage in any future DA. The only way to ensure consideration is through a heritage listing that is enforceable;</p> <ul style="list-style-type: none"> “relocating the grotto to the passive recreation space at the rear of Headfort House” <p>however there is no mechanism in the planning proposal to validate this nor the appropriate location within the Headfort House curtilage without its listing.</p> <ul style="list-style-type: none"> the masterplan “incorporates significant setbacks from the side boundaries” <p>however no setbacks are proposed nor is there any mechanism proposed to mandate setbacks. The proposed DCP is weak and would enable argument for reduced setbacks. The one and only stipulated setback of 10m to 91 Stanhope Rd is inadequate given the adjacent and onsite HCA and the topography sloping down to the dwelling at 91 Stanhope Rd. Further it is inconsistent with the Ku-ring-gai DCP;</p> <ul style="list-style-type: none"> Retention of the bush/ landscape setting ...(proposal elements) collectively assists to mitigate visual impacts and retain the overall landscape character”. <p>No consideration has been given to the 22m (7 storey) and 20.5m (6 storey) building heights being located at the highest point ridge in this area and their consequential protruding visibility from many vantage points in the local and in the extended area – in particular to the south and west where the heritage item Seven Little Australian Park and Lindfield Memorial Park are located.</p> <p>These buildings will form a focal point in the bush/landscape setting of this area, and a backdrop to the natural landscape heritage items and heritage conservation area surrounding it. It is not possible for the impact of such cumulative bulk and scale to be mitigated.</p> <p>Urbis has failed to understand that the proposal’s ecology and arborist report seek to remove a substantial number of trees, denude the ridge of the site and deliver extensive continuous basement carparks not limited to any building footprint which preclude deep soil provision that might sustain canopy trees. Further, the volume and size of canopy trees that would be required to conceal the proposed heights are unlikely to be delivered not sustained in the type of site design proposed by the masterplan.;</p> <p>The planning proposal refers to value of Headfort House but has not included its heritage listing in the planning proposal. Further, the planning proposal’s master plan fails to demonstrate sensitive consideration of Headfort House and its setting</p> <p>Ku-ring-gai Council had initiated a separate planning proposal to heritage Headfort House and its curtilage based on the planning proposal’s attached heritage report by GML and a further detailed heritage assessment undertaken by Council .</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
			<p>Not heritage listing Headfort House will mean there is no impetus or legal compulsion for any future development to have a contextual response and sympathetic design that retains and/or enhances the cultural significance of Headfort House.</p>
<p>Objective 14 - Integrated land use and transport creates walkable and 30min cities</p> <p>Strategy 14.1 - Integrate land use and transport plans to deliver the 30min city.</p>	<p>Not considered.</p>	<p>Not considered.</p>	<p>Inconsistent.</p> <p>Objective 14 has not been addressed. It talks to the <i>Future Transport Strategy 2056</i> and the integration of land use with transport networks to ensure jobs, goods and services are supported by a public transport, walking and cycling network that provide residents with a 30-minute public transport service to their nearest strategic centre seven days a week.</p> <p>The Planning Proposal is inconsistent with this Objective as its location does not provide a direct, safe and accessible route to local destinations and services within a 10-min walk, namely to Lindfield local centre. Further to this, the placement of the proposed high density housing distant from the local centre means it cannot contribute to creating walkable, cycle-friendly neighbourhoods in and around the local centre.</p> <p>The site location within a low density area with limited public transport service precludes its connectivity, accessibility, walkability and alignment with the 30min city principles, particularly for the less mobile ageing population it seeks to accommodate within the high density proposal.</p> <p>The following aspects demonstrate that the site cannot align with the principles of this Objective:</p> <ul style="list-style-type: none"> • Lack of connectivity: The site is distant from local services and the local centre, located 1.3 km to Killara railway station and Post Office, and 1.8 km to Lindfield rail station and local centre retail services. • Lack of walkability: Killara station (and by inference, other core shops and services) are generally outside of comfortable walking distances particularly for most elderly people. • Lack of accessibility: Route 556 bus runs low frequencies, the limited provision reflective of the low density catchment of Killara, East Killara and Lindfield. A total of 23 services operate every weekday between 6.00am to 8.30pm. The frequency of the bus availability is further reduced on weekends with service occurring only 10 times on Saturday and 5 times on Sunday/public holiday. <p>Furthermore, the Route 556 service only stops inside the Lourdes Retirement Village twice a day (9.32am and 12.30pm) on weekdays only, and no service on weekends. Outside of these services, older residents of the site would be required to walk to the bus stops in Rosebery Road to which there is currently no footpath on the eastern side of Rosebery Road (in the area of the bus stop), and the gradient of the nature strip between the footpath and the kerb on the western side of Rosebery Road (in the area of the bus stop) is unlikely to meet accessibility gradient requirements.</p> <p>Future residents of the site (both of the independent living units as well as the townhouses) will continue to rely on private cars to access basic services and facilities. This relies on the ability of the residents (especially ageing residents) to continue to drive and finance a vehicle. Similarly, visitors to the site are unlikely to consider the limited bus service as a convenient mode of transport particularly on weekends with the less frequent service.</p> <p>Private car use would likely be the preferred mode of transport for the larger number of employees that would be required to serve the proposed development, increasing from 240 dwellings to 314</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
			<p>dwellings. In particular the Residential Aged Care Facility to increase from 83 beds to 110 beds would require 24 hour staffing.</p> <p>Introduction of the concept of a village on-demand bus may go some way to fill gaps in the infrequent Route 556 bus service, it would rely on the availability of resident volunteer drivers and therefore may not be a consistent or reliable service. Also, the village bus would not be an option for a commuter connection to Lindfield or Killara railway station for employees or visitors travelling to/from the site.</p> <p>There is no way for the planning proposal to mandate this private bus provision and therefore this cannot be considered in the assessment of access to public transport.</p> <p>The need to resort to private bus/car-pooling/taxi transport options is likely to be a consequence of the site's poor walkability to basic shops and services and the inability of the Route 556 bus to facilitate public transport access.</p>
<p>Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>Strategy 27.1 Protect and enhance biodiversity by:</p> <ul style="list-style-type: none"> - 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 	<p>Objective title listed with no justification</p>	<p>No threatened species, ecological communities or populations occur at the subject site.</p> <p>Although a total of 233 trees are proposed to be removed across the site, the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy.</p> <p>Tree removal and ecological impacts are considered in more detail in Section 4.1 of this report.</p>	<p>Inconsistent.</p> <p>The planning proposal does not demonstrate consistency with this objective.</p> <p>The Planning Proposal will result in the removal of a significant area of onsite canopy, including 233 trees (59% of all trees on site) (85 high category trees and 148 trees of low and very low retention value). This includes canopy / biodiversity adjacent to and that provides support for core bushland (greengrid) areas. Further impact to another 79 trees high category trees and 77 trees of low and very low retention value, will be determined by both the projects detailed design as well as construction processes.</p> <p>It is Councils concern that the built form outcomes in the Urban Design Report of continuous and extended basement parking and building footprint precludes the provision of adequate deep soil areas that could support tall canopy trees that would enhance the canopy cover and green grid connection. The broad landscape planning provided within the Urban Design Study does not provide sufficient detail to determine future canopy outcomes (including on site planting). However it is clear that the master plan for the site will deliver zero canopy to the centre of the site due to extensive excavation and extended basements removing the required deep soil that would support tall canopy trees typical within Ku-ring-gai and especially relevant to the bushland context of this site.</p> <p>The provision of future DCP provisions is inadequate and fails to include detail from its Ecological Assessment and Arborist Report.</p> <p>Whilst the Planning Proposal does not clearly articulate proposed removal of bushland, future development of the site, as indicated by the master plan, may result in increased pressures to existing bushland and additional removal of onsite biodiversity / trees proposed to be retained within this Planning Proposal.</p> <p>The planning proposal wrongly assumes the consideration of fuel management on adjoining lands, which consists of Council Natural Area, managed under the NSW Local Government Act 1993, for the conservation of biodiversity and ecosystem function.</p> <p>This would place increased pressure / requirement to mitigate bushfire threat within natural areas is likely to occur.</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
<i>reduce edge-effect impacts</i>			
Objective 28 Scenic and cultural landscapes are protected	Not considered.	Not considered.	<p>Inconsistent</p> <p>Scenic and cultural landscapes connect the urban environment with natural and historic urban landscapes, and include the views and vistas of ridgelines, waterways, urban bushland and the urban skyline.</p> <p>There is insufficient justification for accommodating the proposed high density development on a visually prominent site where the proposed heights of</p> <ul style="list-style-type: none"> • 22m to the northeast of the site (7 storey) • 20.5m to the central part of the site (6 storey) • 16m north to northwest of the site (5 storey) • 14.5m to the northwest of the site (4 storey) <p>would fail to integrate into the prevailing Ku-ring-gai landscape character of buildings within garden settings placed underneath the tree canopy, particularly where extensive excavation and continuous basements fail to deliver the deep soil requirements to sustain tall canopy trees to grow above the proposed building lines.</p> <p>This character is intact and currently dominates this location, assimilating the low density residential character, the heritage character and its bushland character.</p> <p>The fact that the centre of the site is at the highest point within the locality, sitting on the ridge plateau at an RL106.5, means that placement of the intended building height envelopes will inevitably make it a visually prominent interruption to the scenic landscape as viewed from the heritage bushland to the south and east, from the low density residential character to the north and west along Stanhope Road and beyond, and as juxtaposed with Headfort House, recognised as having heritage listing value.</p> <p>The proposal will result in a built form that will extend above the tree canopy, altering views and vistas to the ridgeline and impacting area views, and impacting on the scenic landscape value of the area, particularly as the site forms the backdrop to the adjacent Heritage Item (Seven Little Australians Park) and sits adjacent to the Heritage Conservation Area.</p> <ul style="list-style-type: none"> • These heights will result in buildings that protrude above the intact tree canopy skyline that sits in the cultural landscape of two key bushland heritage items and sets an unacceptable precedent for the erosion of the bushland skyline across many parts of Ku-ring-gai with a bushland fringe extending to National Parks. <p>The proposed heights cannot be hidden from Stanhope Road. The buildings heights will present a dominating bulk and scale to the streetscape of Stanhope Road, especially as the land slopes upwards into the site giving it further prominence, and is highly inappropriate in this low density residential area.</p> <p>The heights of the proposal will materially alter the scenic and cultural landscape character of this area through the prominent bulk and scale that contradicts the low density residential and bushland area and the adjacent heritage conservation area.</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
<p>Objective 30 – Urban tree canopy is increased</p>	<p>Objective title listed with no justification</p>	<p>No threatened species, ecological communities or populations occur at the subject site.</p> <p>Although a total of 233 trees are proposed to be removed across the site, the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy.</p> <p>Tree removal and ecological impacts are considered in more detail in Section 4.1 of this report.</p>	<p>Inconsistent</p> <p>The Proponents response does not demonstrate consistency with this Objective.</p> <p>The built form density outcomes of the proposal indicated in the Planning Proposal Urban design Study will result in the removal of a significant area of onsite canopy, including 124 trees (32% of all trees on site) (43 high category trees and 81 trees of low and very low retention value).</p> <p>The Gateway Determination Report concludes that “the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy”, however</p> <p>The broad landscape planning provided within the Urban Design Study does not provide sufficient detail to determine future canopy outcomes (including on site planting) Further, the provisions in the proposed DCP are inadequate and fails to include detail from its ecological assessment and arborist report.</p> <ul style="list-style-type: none"> • The built form outcomes in the Urban Design Report of continuous and extended basement parking and building footprint precludes the provision of adequate deep soil areas that could support any substantial vegetation and tall canopy trees that would enhance the canopy cover and green grid connection. <p>The ecological assessment report presents a desktop review and does not identify any survey effort to determine presence/absence of threatened flora and fauna species recorded within the locality. The extent of survey presented within the ecological assessment report is inconsistent with following guidelines referenced by the Office of Environment Heritage for biodiversity surveying</p> <ul style="list-style-type: none"> • Threatened biodiversity Survey and Assessment: Guidelines for Developments and Activities November 2004 • Field survey methods for amphibians Threatened species survey and assessment guidelines (Department of Environment and Climate Change 2009) • Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method (Department of Planning, Industry and Environment) <p>There is no impact assessment contained within the ecological assessment report that acknowledges the threatened species of plant or animal that are impacted upon by the proposal for example the proposal seeks to remove foraging resources for Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) however no impact assessment has been prepared in accordance with section 7.3 of the <i>Biodiversity Conservation Act 2016</i>.</p>
<p>Objective 37 – Exposure to natural and urban hazards is reduced</p>	<p>Objective title listed with no justification</p>	<p>The existing seniors housing development was constructed in the 1980s and does not adopt bushfire design or protection measures in accordance with <i>Planning for Bushfire Protection 2019</i>. The proposal will provide a more modern seniors housing development that would be better equipped to mitigate bushfire risk.</p>	<p>Inconsistent</p> <p>The Planning Proposal is inconsistent with this Objective, 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. In addition, the issues of additional vulnerable populations and their safe evacuation may also impact other adjacent residents of Stanhope Road, should offsite evacuation be required.</p> <p>The subject site is identified as Bushfire Prone Land, has constrained capacity to enable safe evacuation, and provides for intensification of a land use that caters to the aged demographic.</p>



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
		<p>Further discussion of bushfire protection is provided in Section 4.1 of this report.</p>	<p>Occupants of retirement villages and housing for seniors are highly vulnerable to the effects of bushfire and are difficult to evacuate in the event of bushfire.</p> <p>Council’s discussion with RFS indicates they only support the exhibition and expect the exhibited documentation to demonstrate detail justifying the risk of bushfire hazard. This detail has not been included and the Blackash studies are highly inadequate as demonstrated by Council’s studies at Part 3 of this submission.</p> <p>Council has conducted three investigations:</p> <ol style="list-style-type: none"> 1. Bushfire Peer Review: Planning Proposal. 95-97 Stanhope Rd, Killara (CR Bushfire) 2. Bushfire Strategic Study. Lourdes Retirement Village (95-97 Stanhope Rd, Killara) 3. Bushfire Evacuation Risk Assessment. 95-97 Stanhope Rd, Killara <p>These evidential investigations find the following key issues:</p> <ul style="list-style-type: none"> • Identifies serious failings within the exhibited Planning Proposal to strategically review the appropriateness of a significant increase in density on the site in relation to bushfire risk, evacuation potential and life safety. • No full bushfire risk assessment is provided, the bushfire risk is significantly underplayed and the Proposal relies on a technical solution which does not address firefighter and occupant safety, the detail of which is uncertain and unimplementable within future planning stages. • The Proposal is inconsistent with Section 9.1 Ministerial Direction 4.3 – <i>Planning for bushfire Protection and Planning for Bush Fire Protection 2019</i>. • The issue of increased density and the use of refuges or ‘bunkers’ is discussed in <i>Eden Valley Holdings Pty Ltd v Blue Mountains City Council [2014] NSWLEC 1258</i>. The bunker proposed in this case was potentially acknowledged to reduce the risk to those on site but would not outweigh the additional risk resulting from an increased number of people on site compared to that of a less intensive use. The additional risk to firefighters on site was of particular concern, as was the issue that development would likely be within BAL-Flame Zone with no defensible space. • The Planning Proposal fails to comply with the Strategic Planning Principles of PBP 2019 and triggers the “inappropriate” development exclusion requirements of PBP. • The Acceptable Solution bushfire protection measures within PBP 2019 cannot be met by the future development envisaged in the Planning Proposal, and it does not offer opportunities for protection measures beyond the minimum compliance under PBP 2019. • Compliance with PBP 2019 is partially reliant on the intervention/response by emergency services or hazard management on adjoining land (i.e. APZ requirements). • ‘Unassisted’ off-site evacuation has not been demonstrated to be achieved by the Bushfire Assessment reports. • This site is not suitable for increased dwellings and populations under PBP 2019. <ul style="list-style-type: none"> - The level of residual risk, after inclusion of the bushfire protection measures typically applied under PBP 2019, is inadequate and the master plan does not meet the PBP strategic planning principles and requirements.



Greater Sydney Region Plan Objectives	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
			<ul style="list-style-type: none"> - Specifically, the aims and objectives, acceptable solutions and performance requirements of PBP pertaining to risk to life and risk to property cannot be met nor exceeded. - Further, there is a high reliance on emergency service response/intervention, and an unacceptable reliance on fuel management on adjoining lands to provide the level of bushfire protection and residual risk. <ul style="list-style-type: none"> • If the Lourdes Retirement Village Planning Proposal including its masterplan proposal is approved by the authorities, then this Planning Proposal will set a precedent that sanctions both a population and residential building increase adjacent to the risk-prone bushland-urban interface - much of which is located at top-of-slope topography which is particularly vulnerable to bushfire impacts from both radiant heat and ember attack. • Ku-ring-gai Council has successfully applied planning mechanisms under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to reduce risks to population and property that would result from a bushfire event, including bushfire evacuation risk. • Application of the methodology to the Lourdes Retirement Village site, subject of the current 2022 planning proposal, demonstrates that this location is not suitable for increased population numbers. • The substantial intensification of a use, being a special fire protection purpose under the Rural Fires Act, within an area that already exceeds the recommended number of dwellings for the one exit road, is of concern as increasing the number of residents will only make evacuation more difficult in the event of a bushfire, and place not only the residents on site at risk, but also residents outside the site in dwellings on Stanhope Road. • It is also of concern that the additional increase in dwellings will be occupied by residents who are highly vulnerable to the effects of bushfire, are difficult to evacuate and are more susceptible to smoke impacts, anxiety and other geriatric related health issues, resulting in additional and high demand on emergency services to assist with safe evacuation. • The planning proposal study by Blackash does not consider evacuation risk instead proposing underground tunnels and an onsite refuge to avoid evacuation of the population. However, it fails to explain how the refuge would cater for the 668 people, two thirds of whom are vulnerable elderly, 110 being high care including dementia patients, and how the tunnels would operate for less mobile people. There is no description nor testing provided to demonstrate the viability of an onsite refuge for this profile and volume of population. <p>These issues are further discussed within Councils bushfire response at Part 3 in this submission.</p>



North District Plan	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council comment
<p>Planning Priority N3 – providing services and social infrastructure to meet people’s changing needs</p>	<p>The proposal will deliver renewal of aging seniors housing as well as new supply of seniors housing in the local area.</p>	<p>The proposal responds to the demographic trend of an ageing population and provides additional aged care beds and improved seniors housing to meet the needs of the Ku-ring-gai LGA.</p>	<p>Partly consistent</p> <p>While the provision of housing for seniors and aged care will contribute to meeting the needs of the ageing population, the location of this additional housing is not appropriate due to its out of centre location (away from shops, services and transport) and where the multiple issues relating to heritage, bushfire risk, biodiversity, low density and bushland interface specific to this site have not been adequately addressed in the Planning Proposal assessed by Council.</p> <p>The repeated insistence of the suitability of this proposal for the increased density, bulk and scale is unfounded on multiple fundamental issues as indicated below:</p> <ul style="list-style-type: none"> • <i>The site has poor accessibility to shops and services</i> – it is located 1.3 km from Killara railway station and Killara Post Office and 1.8 km from Lindfield railway station and retail services well outside the 400-800m walking catchment of the Lindfield Local Centre and Killara rail station. • <i>The site has poor access to public transport and relies on private vehicle use</i> - It has one bus service, Route 556, with weekday operation of 23 times a day between 6.00am to 8.30pm, running at 30-minute intervals during am and pm peak times and 1-hour intervals outside peak times, stopping within the site only twice during weekdays; bus service is reduced on Saturdays to 10 times, operating between 9am to 6.45pm; services on Sundays/Public Holidays are limited to 5 times, operating from 8:45am to 5:10pm and runs at 2 hour intervals; • <i>The proposal lacks response to the low density residential environment in which it is located</i> - the proposal heights of 11.5m (3 storey), 22m (6 storey) and 24m (7 storey) produce inappropriate bulk and scale for the locality and would result in highly visible built form and density inconsistent with the character of Stanhope Road, its low density residential character, the prevailing character. of built form beneath the tree canopy, and the surrounding bushland character. In addition, the proposed height, bulk and scale of the built forms disregard the interface impacts to adjacent low density dwellings on the site itself and on neighbouring properties. • <i>The proposal lacks response to the heritage setting of the site:</i> - the density, bulk and scale of the proposal is incongruous with the adjacent local Heritage Conservation Area (C22) character and in its proximity and backdrop to the adjacent heritage listed Seven little Australians park (ITEM no. I1100) and views from heritage listed Lindfield soldiers memorial Park (ITEM no. I1099). In addition poor consideration has been given to the interface with Headfort house recognised as worthy of heritage listing by the proponent’s heritage consultant. • <i>The site has serious bushfire hazard and evacuation risks:</i> Discussion with RFS evidenced at Appendix 3, confirms that they do not support the assumptions made in the Planning Proposal’s bushfire assessment performance methodology and in the Review Cover Letter and its Attachment 10 Letter of Advice in Response to Councils Bushfire Comments. Since these assumptions are fundamental to the proponent’s justifications, the proposal has failed to demonstrate the appropriateness of the placement of the increased densities of vulnerable ageing populations on this site and the ability to mitigate bushfire hazard and evacuation risks.



North District Plan	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council comment
<p>Planning Priority N5 – providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>The proposal to renew and increase the seniors housing in this location will contribute to the local dwelling supply, whilst enhancing the diversity of housing and providing accommodation for seniors, including those living locally and seeking to downsize and ‘age in place’. The proposed medium density housing will also contribute to housing diversity in the local area noting the prevalence of large single dwelling housing, and the recent development of predominantly apartments within the local centres.</p>	<p>The proposal contributes to housing diversity of Ku-ring-gai with the introduction of townhouses, while maintaining the land use of seniors housing. The site is serviced by a bus route that connects with the well serviced Lindfield local centre and is to be supplemented by a private bus.</p>	<p>Inconsistent</p> <p>The Planning Proposal contributes to the 92,000 dwellings required to be delivered in the North District from 2016-2036, however as noted on pg40 of the North District Plan, new housing must be provided in the right location and housing supply must be co-ordinated with local infrastructure to create liveable, walkable neighbourhoods with direct safe and universally designed pedestrian and cycling connections to shops, services and public transport.</p> <p>The North District Plan acknowledges that some areas are not appropriate for additional housing due to natural or amenity constraints, or lack of access to services and public transport. It is acknowledged that there is a need for more aged care facilities and housing to support the ageing population of Ku-ring-gai, however, this needs to be appropriately located.</p> <p>While the proposal would deliver more diverse housing types through provision of aged housing it fails to address the issues of access to services, and to a lesser extent, jobs. Access to shops and services by walking is an important as it contributes to reducing the number of vehicle trips generated and distances travelled and increase the potential to derive health benefits of walking as a mode of travel to shops and services.</p> <p>In this regard, the Planning Proposal is inconsistent with this Priority, as the provision of the housing is in an out of centres location, not supported by infrastructure, transport or services, and further has constraints around biodiversity, heritage and bushfire hazard risk.</p> <p>The majority of basic services and facilities such as supermarkets, pharmacies, medical centres are located well outside the convenient 10 minute walking catchment and therefore not within an attractive and manageable walking distance for residents of this area of Killara. Also, the very limited 30 minute public transport catchment suggests that the large volume of employees that will be required to service the development are likely to be outside this catchment and therefore are likely to use other means of transport such as cars/taxis in their journey to work.</p> <p>It is highly likely, therefore, that future residents of this site, their visitors and employees will use cars to access jobs, basic services and facilities.</p> <p>The proponent’s Cover Letter (pg28) states that renewal of the site would result in a significantly improved pedestrian network for residents, with better accessibility to new community facilities and ancillary services (cafes, medical suites, hairdresser, etc.), enhancing community participation and village life.</p> <p>This necessity to provide such facilities on site indicates the isolated nature of the sites location and the inability of residents to easily access these services in an integrated way within the local centre.</p>
<p>Planning Priority N6 – creating and renewing great places and local centres, and respecting the District’s heritage</p>	<p>The proposal has responded to the heritage context through the retention of Headfort House which is considered to have some heritage value, through sensitive location of built form and retention of the bushland character. This is discussed in further detail in Section 9.3.6.</p> <p>The proposal will deliver the renewal of social housing to provide for improved amenity and walkability</p>	<p>The proposal facilitates the redevelopment of ageing seniors housing, improving walkability and amenity, while appropriately responding to the landscape character and local heritage of the surrounding area.</p>	<p>Inconsistent</p> <p>The proponent’s response fails to demonstrate that the Planning Proposal is consistent with this Planning Priority.</p> <p>The North District Plan acknowledges that heritage and history are important components of local identity and contribute to great places and that Local heritage items and streetscapes form part of the area character.</p> <p>As discussed above under Objective 13 of the Greater Sydney Region Plan, the Planning Proposals Attachment Heritage Significance Assessment by GML found ‘Headfort House’ located on the subject site to have local heritage significance. However, the Planning Proposal and Urban Design</p>



North District Plan	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council comment
	with the site. The proposal also responds to the character of the place through respecting the local heritage and built form context and retaining the landscape character of the site.		<p>study have given inadequate consideration to this heritage significance, particularly with the proposed building height of 22m adjacent to this potential Heritage Item. In this regard the Planning Proposal is inconsistent with this Planning Priority relating to the identification, conservation and enhancement of environmental heritage.</p> <p>In addition, the proposal density, bulk and scale gives little regard to the immediately adjacent C22 Crown Blocks Heritage Conservation Area, and heritage listed Seven Little Australians Park to its south and east.</p>
<p>Planning Priority N12 – Delivering integrated land use and transport planning and a 30min city.</p>	No response	No response	<p>Inconsistent</p> <p>Both the planning proposal and the Gateway Determination Report have omitted this consideration. This is a material consideration as it applies to the strategic requirements for the appropriate location of dense housing.</p> <p>As discussed under Objective 14 and Strategy 14.1 of the Greater Sydney Region Plan, the objective of a 30min city is to enable people to access jobs and services in their nearest metropolitan and strategic centre within 30min by public transport and to deliver development in an integrated manner enabling a 10 minute walking catchment to local centre services particularly where housing density is provided. The Planning Proposal is inconsistent with this Planning Priority, as 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.</p>
<p>Planning Priority N16 – protecting and enhancing bushland and biodiversity</p>	An Ecological Assessment has been prepared which determined that there are no threatened species, ecological communities or populations occurring at the subject site and that proposed redevelopment of the site will have no significant ecological impact. The proposal seeks to maintain the bushland character of the site and retain a generous buffer to surrounding bushland.	<p>No threatened species, ecological communities or populations occur at the subject site.</p> <p>Although a total of 233 trees are proposed to be removed across the site, the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy.</p> <p>Tree removal and ecological impacts are considered in more detail in Section 4.1 of this report.</p>	<p>Inconsistent</p> <p>The Planning Proposal has sought to minimise impact upon the existing bushland / biodiversity adjacent to the site. It may however result in future impacts on the quality of adjoining bushland (as discussed under Objective 27, Strategy 27.1 and Objective 30 of the Greater Sydney Region Plan).</p> <p>Issues with the ecological assessment prepared in support of the planning proposal are as follows:</p> <p>No adequate surveys have been undertaken in accordance with the department survey guidelines requirements.</p> <p>The arborist and ecological report identify the site as supporting a number of trees species characteristic of Sydney Turpentine Ironbark Forest (STIF).</p> <p>STIF is listed as Critically Endangered ecological community under the Biodiversity Conservation Act 2016 see page 15 section 4.1 which states “An isolated group of small trees including two individuals of Turpentine and one of Sweet Pittosporum occurring at the western section of the subject land (Figure 5) may have derived from genotypic material from a former distribution of Sydney Turpentine Ironbark Forest that would have been aligned with the edges of the Wianamatta Shale/Hawkesbury Sandstone stratification boundaries (Figure 4.)</p> <p>Additional tree planting cannot be achieved across the site to offset the loss of 223 as the Bushfire report prepared by Blackash Consulting identifies that the entire site is to be managed as an asset protection zone (APZ) an APZ cannot support a canopy coverage of greater than 15%.</p> <p>The proposal cannot achieve offsetting the loss of canopy onsite.</p> <p>The ecological assessment has not made mention of chapter 2 and 6 of the SEPP.</p>



North District Plan	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council comment
			<p>The proposal is inconsistent with the objectives of chapter 2 “Vegetation in non-rural areas” of the SEPP as it seeks to remove 223 trees (59% of all trees on site). The removal of 223 trees is inconsistent with the Aims of Chapter 2 which are-</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The implementation of the prescribed APZ over the entire site will denude the onsite biodiversity values which cannot be replaced due to the requirement to manage the site for bushfire protection purposes.</p> <p>No consideration has been given within the body of the ecological assessment to chapter 6 “Bushland in urban Area”.</p> <p>Further no consideration has been given to Chapter 4 Koala habitat protection 2021. The site supports known Koala feed trees listed under schedule 1. The proposal will result in the removal of two <i>Eucalyptus haemastoma</i> (Broad-leaved Scribbly Gum) listed under schedule 1 Trees 144 & 253. The proposal will also result in the removal of a number of Koala use trees (schedule 3).</p> <p>No consideration has been given to Koala habitat protection under the Ecological assessment report.</p> <p>The ecological assessment report is deficient in survey of threatened species and consideration of ecological impacts. The proposal should not proceed until adequate surveys and assessment have been undertaken across the subject property. See ecology response for further information.</p> <p>The site is within the Sydney Harbour catchment due to its proximity to Middle Harbour. The proposal is considered to be consistent with the planning principles set out in Chapter 10 subject to further design development during the DA stage where Council’s stormwater management controls will need to be appropriately considered.</p>
<p>Planning Priority N17 – Protecting and enhancing scenic and cultural landscapes</p>	<p>No response</p>	<p>No response</p>	<p>Inconsistent</p> <p>Both the planning proposal and the Gateway Determination Report have omitted this consideration. As discussed under Objective 28 of the Greater Sydney Region Plan, scenic and cultural landscapes encourage an appreciation of the natural environment, protect heritage and culture, and create economic opportunities for recreation and tourism. Scenic landscapes include waterways and urban bushland.</p> <p>The Planning Proposal is inconsistent with this Planning Priority as the proposed density, bulk and scale of development and building heights, particularly located on the highest parts of the site, will rise above the prevailing tree canopy, impacting on the scenic landscape of the adjacent bushland, low density residential area, and cultural heritage landscape setting of Items including the adjacent Seven Little Australians Park.</p> <p>The protrusion of the built form above the canopy is not warranted as the site is distant from any local centre where such interruptions to the predominantly intact tree canopy in this locality are warranted as they are skylines marking key urban centres.</p>



North District Plan	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council comment
<p>Planning Priority N19 – increasing urban tree canopy cover and delivering green grid connections</p>	<p>This Planning Priority includes an action to <i>expand urban tree canopy in the public realm</i>. The proposal seeks to retain and protect the tree canopy within the site, particular along the frontages to the public domain, with 166 trees to be retained including 79 high value trees.</p> <p>Additional tree planting within the site will be limited by bushfire protection measures.</p>	<p>No threatened species, ecological communities or populations occur at the subject site. Although a total of 233 trees are proposed to be removed across the site, the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy.</p> <p>Tree removal and ecological impacts are considered in more detail in Section 4.1 of this report.</p>	<p>Inconsistent</p> <p>The Proponents response does not demonstrate consistency with this Planning Priority.</p> <p>The Gateway Determination Report concludes that “the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy”, however</p> <ul style="list-style-type: none"> • The broad landscape planning provided within the Urban Design Study does not provide sufficient detail to determine future canopy outcomes (including on site planting) Further, the provisions in the proposed DCP are inadequate and fails to include detail from its ecological assessment and arborist report. • The built form outcomes in the Urban Design Report of continuous and extended basement parking and building footprint precludes the provision of adequate deep soil areas that could support any substantial vegetation and tall canopy trees that would enhance the canopy cover and green grid connection. <p>The Planning Proposal will not result in a fragmentation of greengrid, but may impact on the quality of adjoining bushland (as discussed under Objective 27, Strategy 27.1 and Objective 30 of the Greater Sydney Region Plan).</p> <ul style="list-style-type: none"> • Whilst it is acknowledged that specific location of built form will be resolved at DA stage, the built form density outcomes of the proposal indicated in the Planning Proposal Urban design Study will result in the removal of a significant area of onsite canopy, including 233 trees (59% of all trees on site) (85 high category trees and 148 trees of low and very low retention value). • The broad landscape planning provided within the Urban Design Study does not provide sufficient detail to determine future canopy outcomes (including on site planting). • The provision of future DCP provisions is inadequate and fails to include detail from its ecological assessment and arborist report. • It is Councils concern that the built form outcomes in the Urban Design Report of continuous and extended basement parking and building footprint precludes the provision of adequate deep soil areas that could support any substantial vegetation and tall canopy trees that would enhance the canopy cover and green grid connection.
<p>Planning Priority N22 – adapting to the impacts of urban and natural hazards and climate change</p>	<p>Bushfire hazard has been considered in detail in Section 9.3.5 and it is noted that the NSW Rural Fire Service has advised that it has no objection to the Planning Proposal proceeding on the basis of the Bushfire Engineering Design Compliance Strategy which forms part of the Bushfire Assessment at Appendix E.</p> <p>Bushfire hazard has been a key consideration of the Planning Proposal given the site’s location within bushfire prone land. The development concept has been designed to ensure the most vulnerable occupants (seniors housing) are located furthest from the bushfire hazard,</p>	<p>As previously noted, the proposal will be an improvement to the existing development which does not adopt appropriate bushfire design or protection measures.</p> <p>Further discussion of bushfire protection is provided in Section 4.1 of this report.</p>	<p>Inconsistent</p> <p>The Planning Proposal is inconsistent with this Planning Priority, 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. In addition, the issues of additional vulnerable populations and their safe evacuation may also impact other adjacent residents of Stanhope Road, should offsite evacuation be required.</p> <p>As discussed under Objective 37 and Strategy 37.1 of the Greater Sydney Region Plan, the site the subject of the Planning Proposal is identified as Bushfire Prone Land, has constrained capacity to enable safe evacuation, and provides for intensification of a land use that caters to the aged demographic. Occupants of retirement villages and housing for seniors are highly vulnerable to the effects of bushfire and are difficult to evacuate in the event of bushfire.</p> <p>The North District Plan (pg118) notes that ‘placing development in hazardous areas or increasing density of development in areas with limited evacuation options increases risk to people and</p>



North District Plan	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council comment
	<p>which will improve the bushfire safety for these uses compared to the existing development. Further consideration is given to bushfire hazard in Section 9.3.5.</p>		<p>property' and notes that when planning for future growth, growth and development should be avoided in areas exposed to natural hazards.</p> <p>Council's discussion with RFS indicates they only support the exhibition and expect the exhibited documentation to demonstrate detail justifying the risk of bushfire hazard. This detail has not been included and the Blackash studies are highly inadequate as demonstrated by Council's studies.</p> <p>These issues are further discussed within Councils bushfire response Appendix 4 to this submission.</p>



Local Strategy	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
<p>Local Strategic Planning Statement (LSPS)</p>	<p>The Ku-ring-gai Local Strategic Planning Statement (LSPS) was adopted by Council in March 2020 and plans for Ku-ring-gai's economic, social and environmental land use needs to 2036.</p> <p>The LSPS highlights that the over 65 population will grow significantly with over 10,000 additional residents within this age group by 2036, accounting for almost 50% of the overall population growth. The LSPS notes that the area has a high aging population and highlights the need to investigate housing provision for this age group to enable ageing in place, including through consideration of LEP clauses that support housing for the aged. The LSPS includes the following relevant planning priorities:</p> <ul style="list-style-type: none"> • K3. Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community • K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place • K40. Increasing urban tree canopy and water in the landscape to mitigate the urban heat island effect and create greener, cooler places • K43. Mitigating the impacts of urban and natural hazards. <p>The LSPS includes an action to undertake a housing strategy to inform the long term strategy for delivery of housing across the LGA.</p> <p>The Planning Proposal directly aligns with the objectives of the LSPS as it by providing additional seniors housing and medium density housing within the LGA, retaining tree canopy where possible and providing high quality landscaping, and improving the mitigation of bushfire risk.</p>	<p>The Ku-ring-gai LSPS was adopted by Council and endorsed by the GSC in March 2020. The key priorities of the LSPS related to housing are:</p> <ul style="list-style-type: none"> • Planning Priority K3 – providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing population. • Planning Priority K4 – providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place. <p><u>Department Comment:</u> Although the site is located outside of a centre, it is serviced by bus route 556 which directly connects the site with the well serviced local centre at Lindfield. The planning proposal provides an opportunity to significantly improve the existing seniors housing stock on the site and increase the number of aged care beds to better cater for the aging population within the Ku-ring-gai LGA. The medium density housing proposed will facilitate the diversification of housing stock within Ku-ring-gai, supporting ageing in place and accommodating evolving household structures.</p> <p>The planning proposal is therefore considered to be consistent with the strategic direction and objectives of Council's LSPS.</p>	<p>Mostly inconsistent.</p> <p>The planning proposal is only consistent with:</p> <ul style="list-style-type: none"> • Priority K4. Providing a range of diverse housing to accommodate the changing structure of families and households and enable ageing in place <p>The planning proposal is inconsistent with:</p> <ul style="list-style-type: none"> • <i>Priority K3:</i> <i>Providing housing close to transport, services and facilities to meet the existing and future requirements of a growing and changing community</i> It fails Priority K3 as the site is outside the 10 minute walkable distance to the closest local centres. Transport options are limited and infrequent. • <i>Priority K40. Increasing urban tree canopy and water in the landscape to mitigate the urban heat island effect and create greener, cooler places</i> It fails Priority K40 as the Proposal intends to remove 59% of trees and potentially disturb a further 37%. • <i>Priority K43. Mitigating the impacts of urban and natural hazards.</i> It fails Priority K43 as the BlackAsh Bushfire Assessment does not adequately address the potential bushfire hazards of the site. <p>Whilst the proposal seeks to deliver additional housing, it does so in a location that is inconsistent with the LSPS. Enabling high density housing outside the Ku-ring-gai local and neighbourhood centres is contrary to the Ku-ring-gai Housing Strategy and to State level policy, particularly when there are key issues regarding bushfire risk, and impacts on heritage, ecology, neighbourhood character and onsite amenity - which the planning proposal has not given sufficient evidence to support.</p>
<p>Local Housing Strategy (LHS)</p>	<p>The Ku-ring-gai Housing Strategy was adopted by Council in October 2020 and highlights the following in relation to delivering housing in the LGA over the life of the strategy.</p> <ul style="list-style-type: none"> • As of June 2020 3,179, dwellings have been delivered to meet the 0-5 year housing target of 4,000 dwellings 	<p>The LHS sets recommendations for housing provision in the Ku-ring-gai LGA for the 20 year period between 2016 to 2036. The LHS indicates on page 8 that within Ku-ring-gai there is:</p> <ul style="list-style-type: none"> • An ageing population and declining proportion of younger people. • A shift in household structures, with the 	<p>Mostly inconsistent.</p> <p>The proposed development is generally consistent with the housing needs identified in the Ku-ring-gai Housing Strategy to 2036 including a forecast growth in aged care places required, a general downsizing rate for the ageing population, as well as acknowledging that seniors housing development will supplement the residual capacity under existing planning controls.</p>



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	<ul style="list-style-type: none"> The LSPS has a 6-10 year target of 3,000 to 3,600 dwellings There is a residual capacity within the existing planning controls of 2,700 dwellings on sites currently zoned R3, R4, and B4. This dwelling yield will meet the 0-5 year dwelling target with any remaining capacity contributing to the 6-10 year target Residual capacity within the current planning controls will be supplemented by the delivery of seniors housing and alternative dwellings such as secondary dwellings, group homes and boarding houses where permissible. <p>The Strategy was subsequently approved by DPE in July 2021, subject to a number of requirements, including the following:</p> <ul style="list-style-type: none"> <i>Council is to commit to a work program to identify areas for additional medium density housing opportunities outside of primary local centres such as Roseville, Roseville Chase, Killara, Pymble, Wahroonga, West Gordon and North St Ives as identified in the Ku-ring-gai LSPS for potential delivery in the 2031 to 2036 period. A planning proposal(s) for these centres is to be submitted to the Department for Gateway determination by December 2023. Where this work is not pursued by Council the Department welcomes place-based approaches by landowner/developers to explore opportunities for additional medium density housing in locations that are well served by transport, services and facilities.</i> <i>Council is to monitor and review the supply and delivery of housing, in particular to track its performance against the 6-10 year housing target and establish targets for seniors and medium density housing to determine whether future changes to the LEP and/or DCP are required to incentivise or encourage housing diversity and diversity of housing typologies.</i> <p>These requirements highlight the need for greater housing diversity within the LGA. The Planning Proposal is directly aligned with this objective.</p>	<p>average household size becoming smaller over time.</p> <p>The LHS notes that the delivery of seniors housing and alternative dwellings (including aged care and nursing home facilities) will be continually monitored and will contribute to the dwelling targets set by the Greater Sydney Commission:</p> <p><i>By utilising residual capacity under existing planning controls supplemented by the delivery of seniors housing development and alternative dwellings, the housing needs of Ku-ring-gai's community will be balanced with the protection of local character, heritage and biodiversity assets in line with community feedback.</i></p> <p>Council's LHS was approved by the Department on 16 July 2021, subject to the satisfaction of requirements. It is noted that one of the requirements encourages the identification of areas for additional medium density housing opportunities outside of primary local centres, such as Killara, that are well served by transport, services and facilities.</p> <p>A Gateway condition requiring the planning proposal to be updated to consider the approved LHS is recommended.</p>	<p>Housing Priority 1 (H1) - Manage and monitor the supply of housing in the right locations</p> <p><i>Housing Objectives</i></p> <p><i>To monitor the delivery of housing within areas close to services, cultural and community facilities, and within a 10 minute walking distance to key public transport nodes.</i></p> <p>It fails this objective of H1 as the site is outside the 10 minute walking distance to key public transport nodes.</p> <p><i>To provide homes in areas that can support the creation and growth of vibrant Local Centres and a thriving local economy.</i></p> <p>It fails this objective of H1 as the site is not located in or near a local centre.</p> <p><i>To ensure the delivery of housing is in coordination with provision of local and state infrastructure and services.</i></p> <p>It fails this objective of H1 as the site is not in close vicinity of local and state infrastructure and services.</p> <p>Housing Priority 2 (H2) - Encourage diversity and choice of housing</p> <p><i>To encourage a mix of dwelling types and sizes.</i></p> <p>The proposal is consistent with this objective of H2.</p> <p><i>To investigate housing affordability.</i></p> <p>It fails this objective of H2 as all proposed dwellings are targeted for affluent buyers.</p> <p><i>To ensure new homes are accessible and meet mobility needs.</i></p> <p>It fails this objective of H2 as the proposed DCP standards for accessibility are less than those in the KDCP, which seeks to deliver housing that enables its population to age in place.</p> <p>Housing Priority 3 (H3) - Increasing liveability, sustainability and area character through high-quality design</p> <p><i>To encourage housing that contributes to healthy and active neighbourhoods.</i></p> <p>It fails this objective of H3 as the site is outside a walkable distance to local centres and key transport nodes, thus discouraging healthy and active transport.</p> <p><i>To facilitate high quality housing that is responsive to Ku-ring-gai's local character.</i></p> <p>It fails this objective of H3 as the proposed masterplan is not responsive to Ku-ring-gai's local character in relation to its bulk, scale and interface.</p> <p><i>To promote housing that meets high sustainability performance targets.</i></p> <p>The proposed masterplan is lacking in detail on this objective.</p>



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<p>SEPP (Resilience and Hazards) 2021</p> <p>In relation to site contamination, Chapter 5 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p><i>Note: this SEPP contains the planning provisions of the former SEPP 55 – Remediation of Land.</i></p>	<p>The Resilience and Hazards SEPP, Chapter 4 introduces planning controls for the remediation of contaminated land. The subject site is proposed to be rezoned as part of this Planning Proposal, however the proposed redevelopment of the site will be for the purpose of seniors housing and medium density housing and will therefore continue residential land uses on the site.</p> <p>As the rezoning of the site will not result in a change of land use and that residential is already permissible, no further consideration of SEPP 55 is required at this stage.</p>	<p>Yes</p> <p>The proposal will continue the land use on the site as residential/seniors housing and is therefore not considered to result in any issues related to contamination.</p>	<p>Consistent</p> <p>The existing land use will continue on the land and no evidence is provided to confirm the presence/absence of land contaminants</p> <p>It is noted that the planning proposal master plan indicates substantial excavation and earthworks likely involving the removal of soils; and, that the onsite buildings are highly likely to contain asbestos due to their period of construction. Appropriate handling of these types of contaminants will need to be addressed at the DA stage.</p>
<p>SEPP (Housing) 2021</p> <p>Chapter 3, Part 5 sets provisions for development relating to housing for seniors and people with a disability.</p> <p><i>Note: this SEPP contains the planning provisions of the former SEPP (Housing for Seniors and people with a Disability) 2004.</i></p>	<p>Chapter 3, Part 5 of the Housing SEPP applies to development for seniors housing. It sets out that seniors housing may be carried out with development consent within certain zones, including all residential zones, and where it is permissible under another environmental planning instrument (EPI).</p> <p>The Proposal seeks to exclude the operation of Clause 84 and 87 of the Housing SEPP as discussed in Section 4.3. Other relevant provisions of Chapter 3, Part 5 of the Housing SEPP have informed the Planning Proposal and will be further addressed at DA stage.</p>	<p>It is noted that since the newly consolidated SEPPs were introduced in November 2021, seniors housing has become a permissible use under SEPP (Housing) 2021 in prescribed land zones, which include R2 and R3.</p> <p>Given that the proposal includes the rezoning of the site to R3 which includes seniors housing as a permissible use, future DAs for the site are not expected to rely on the SEPP for permissibility.</p> <p>However, it is noted that SEPP (Housing) 2021 includes provisions for additional FSR and building height under clause 87 Additional floor space ratios. Clause 87 applies to development for the purposes of seniors housing on land where ‘residential flat buildings’ or ‘shop top housing’ are permitted under another environmental planning instrument.</p> <p>As the site is proposed to be rezoned to R3, clause 87 may be applied for future seniors housing development on the site as ‘shop top housing’ is a permissible use in the R3 zone under Ku-ring-gai LEP 2015.</p>	<p>Inconsistent</p> <p>The planning proposal has stated that it will apply to cancel clause 85 and clause 87 in the SEPP (Housing) 2021. The amendment of a State Environmental Planning Policy is beyond the scope of this planning proposal and cannot be applied with certainty until the amendment process is commenced and there is confirmation of approval of the SEPP amendment.</p> <p>The proponent would need to investigate the suitability of cancellation of SEPP clauses with the Department of Planning and Environment and consider the implications of precedent created to amend state policy.</p> <p>The planning proposal has failed to demonstrate compliance with the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) with regards to the seniors housing component, instead deferring the consideration to DA stage.</p> <p>The Housing SEPP includes multiple requirements for the planning of seniors housing that are not considered in the planning proposal. For example, Clause 99 (neighbourhood amenity and streetscape) lists requirements to ensure seniors housing does not ignore existing area character and has due consideration of neighbouring context. Seniors housing is expected to:</p> <ul style="list-style-type: none"> recognise the desirable elements of the location’s current character, or for precincts undergoing a transition, the future character of the location so new buildings contribute to the quality and identity of the area; and



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		<p>Additional FSR and building height on the site beyond what is proposed in this planning proposal is not supported as the potential environmental impacts resulting from the additional uplift has not been considered and is not fully understood.</p> <p>Noting this, the following Gateway conditions have been recommended to address this, requiring the planning proposal to be updated to:</p> <ul style="list-style-type: none"> • Address the relevant provisions of SEPP (Housing) 2021. • Consider 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). <p>A Gateway condition has also been recommended to require comment/determination from RFS as to whether detached dwellings, dual occupancies and/or semi-detached dwellings may be provided instead of the proposed townhouses to facilitate bushfire risk mitigation for the seniors housing, prior to the finalisation of the planning proposal.</p>	<ul style="list-style-type: none"> • complement heritage conservation areas and heritage items in the area, and • maintain reasonable neighbourhood amenity and appropriate residential character by <ul style="list-style-type: none"> - providing building setbacks to reduce bulk and overshadowing, and - using building form and siting that relates to the site's landform; and - adopting building heights at the street frontage that are compatible in scale with adjacent building; and - considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours. <p>These considerations have not been adequately considered in the proposal nor demonstrated.</p> <p>The following impacts on neighbourhood character resulting from the dominance and visibility of the dense built form conflict with the requirements of the SEPP:</p> <ul style="list-style-type: none"> • The proposed building envelopes will result in a visually prominent interruption damaging to the intact scenic landscape and intact bushland skyline important on the fringe interface with recognised ecological areas that connect with Garigal National Park. • The proposed built form will protrude well above the tree canopy and be viewed from, and as a backdrop to, the heritage listed bushland to the south and east at I1100 Seven Little Australians Park and at I1099 Lindfield Soldiers Memorial Park and result in the erosion of the setting of these important natural landscape heritage items and associated cultural landscape values. • The high density built form sits at a topographically elevated location at the ridge point of the locality and adjacent to Heritage Conservation Area C22, where its height will create an uncharacteristic focal point in close proximity to the HCA and undermine the integrity of the area character. • The bulk and scale of the proposal is incongruous with and impacts on the low density residential character to the north and west, and particularly on the Stanhope Road streetscape, and as juxtaposed with Headfort House, recognised as having heritage listing value. <p>The subject site and the retirement village is no more significant than any other local built form. There are multiples of such development in Ku-ring-gai and across NSW. It does not warrant the dominance of bulk and scale including prominence above the intact tree line that would result from this planning proposal.</p> <p>The proposal does not demonstrate consideration of the SEPP nor how it the increased standards would enable development compliance with the instruments under which future development will be determined. A detailed consideration against the controls is required to demonstrate whether the proposed increase of standards on the site is possible.</p> <p>The development does not contribute to the overall character of the area, it does not have a good 'neighbourhood fit'. The starting point for achieving 'neighbourhood fit' is an appreciation of the defining characteristics of the neighbourhood and integrating that into the design outcome. The</p>

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			<p>proposal refers to neighbourhood elements of heritage, landscape and intact bushland but fails to demonstrate meaningful address to those aspects.</p> <p>In assessing the impacts of the proposed intensification of standards on views, vistas, landscaped areas, heritage items and HCAs it is clear that the proposal primarily considers benefits to the development itself and then tries to justify the resultant impacts to the surrounding context.</p>
<p>SEPP (Biodiversity and Conservation) 2021</p> <p>Chapter 2 aims to protect biodiversity values of trees and other vegetation in non-rural areas, and preserve amenity of non-rural areas through the preservation of trees and other vegetation. Removal of vegetation may require approval or a permit.</p> <p>Chapter 6 aims to protect and preserve bushland within urban areas due to values in natural heritage, aesthetics, recreation, education and science.</p> <p>Note: this Chapter contains the planning provisions of the former:</p> <ul style="list-style-type: none"> •SEPP (Vegetation in Non-Rural Areas) 2017 •SEPP (Bushland in Urban Areas) 2019 	<p>The Biodiversity and Environment SEPP, Chapter 10, which applies to land within the Sydney Harbour Catchment and is applicable to the site due to its proximity to Middle Harbour located approximately 2kms in the site’s east. The relevant aims of the SREP, as provided by Clause 2(1), are:</p> <ul style="list-style-type: none"> • To ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained • To ensure a healthy, sustainable environment on land and water • To achieve a high quality and ecologically sustainable urban environment. <p>This Planning Proposal is consistent with the SREP as it aims to protect and enhance identified environmentally sensitive lands and waterways and implement appropriate planning provisions. Future development will comply with Council’s stormwater management controls including on- site detention, water sensitive urban design principles as stipulated in Ku-ring-gai Council’s Water Management DCP.</p>	<p>Yes</p> <p>An Ecological Assessment (Attachment A4) has been prepared in support of the planning proposal. No threatened species, ecological communities or populations occur at the subject site.</p> <p>The planning proposal’s Arborist Report (Attachment A5) provides an assessment of 329 trees on the site to identify their importance. Although a total of 233 trees are proposed to be removed across the site, the proposal presents an opportunity to provide additional tree planting in accordance with a landscape plan that will contribute to the local amenity, character and tree canopy.</p> <p>The proposal is therefore considered to be consistent with Chapters 2 and 6 of this SEPP.</p> <p>Tree removal and ecological impacts are considered in more detail in Section 4.1 of this report.</p>	<p>Inconsistent</p> <p>An Ecological Assessment has been prepared in support of the planning proposal.</p> <p>No adequate surveys have been undertaken in accordance with the department survey guidelines requirements.</p> <p>The arborist and ecological report identify the site as supporting a number of trees species characteristic of Sydney Turpentine Ironbark Forest (STIF).</p> <p>STIF is listed as Critically Endangered ecological community under the Biodiversity Conservation Act 2016 see page 15 section 4.1 which states “An isolated group of small trees including two individuals of Turpentine and one of Sweet Pittosporum occurring at the western section of the subject land (Figure 5) may have derived from genotypic material from a former distribution of Sydney Turpentine Ironbark Forest that would have been aligned with the edges of the Wianamatta Shale/Hawkesbury Sandstone stratification boundaries (Figure 4.)</p> <p>Additional tree planting cannot be achieved across the site to offset the loss of 223 as the Bushfire report prepared by Blackash Consulting identifies that the entire site is to be managed as an asset protection zone (APZ) an APZ cannot support a canopy coverage of greater than 15%.</p> <p>The proposal cannot achieve offsetting the loss of canopy onsite.</p> <p>The ecological assessment has not made mention of chapter 2 and 6 of the SEPP.</p> <p>The proposal is inconsistent with the objectives of chapter 2 “Vegetation in non-rural areas” of the SEPP as it seeks to remove 223 trees. The removal of 223 is inconsistent with the Aims of Chapter 2 which are-</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The implementation of the prescribed APZ over the entire site will denude the onsite biodiversity values which cannot be replaced due to the requirement to manage the site for bushfire protection purposes.</p>
<p>Chapter 4 requires Council’s assessment of a DA to consider consistency with an approved koala plan of management or a koala assessment report prepared for the DA.</p>		<p>Yes</p> <p>The site is subject to the provisions of Chapter 4 as Ku-ring-gai is identified as an LGA within a koala management area under Schedule 2 of the SEPP. Future DAs for the site to facilitate the proposal will be required to address the provisions under Chapter 4.</p>	<p>No consideration has been given within the body of the ecological assessment to chapter 6 “Bushland in urban Area”.</p> <p>Further no consideration has been given to Chapter 4 Koala habitat protection 2021. The site supports known Koala feed trees listed under schedule 1. The proposal will result in the removal of two <i>Eucalyptus haemastoma</i> (Broad-leaved Scribbly Gum) listed under schedule 1 Trees 144 & 253. The proposal will also result in the removal of a number of Koala use trees (schedule 3).</p>



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<p>Note: this Chapter contains the <i>planning provisions of the former SEPP (Koala Habitat Protection) 2021</i>.</p> <p>Chapter 10 sets planning principles for land within the Sydney Harbour catchment which need to be considered in the preparation of environmental planning instruments, master plans and DCPs.</p> <p><i>Note: this Chapter contains the planning provisions of the former SREP (Sydney Harbour Catchment) 2005.</i></p>		<p>A Gateway condition requiring consultation with NSW Environment and Heritage is recommended.</p> <p>The site is within the Sydney Harbour catchment due to its proximity to Middle Harbour. The proposal is considered to be consistent with the planning principles set out in Chapter 10 subject to further design development during the DA stage where Council's stormwater management controls will need to be appropriately considered.</p>	<p>No consideration has been given to Koala habitat protection under the Ecological assessment report.</p> <p>The ecological assessment report is deficient in survey of threatened species and consideration of ecological impacts. The proposal should not proceed until adequate surveys and assessment have been undertaken across the subject property. See ecology response for further information.</p> <p>The site is within the Sydney Harbour catchment due to its proximity to Middle Harbour. The proposal is considered to be consistent with the planning principles set out in Chapter 10 subject to further design development during the DA stage where Council's stormwater management controls will need to be appropriately considered.</p>
<p>SEPP 65 – Design Quality of Residential Apartment Development</p> <p>SEPP 65 applies to residential developments of 3 or more storeys and with 4 or more dwellings. The SEPP requires these developments to be consistent with the design quality principles under Schedule 1 and gives effect to the Apartment Design Guide (ADG).</p>	<p>SEPP 65 seeks to promote good design of apartments through the establishment of the Apartment Design Guide (ADG).</p> <p>SEPP 65 and the ADG apply to Seniors Housing and accordingly the Illustrative Master Plan which has informed the Planning Proposal has been developed to be compliant with key criteria of the ADG.</p>	<p>Yes</p> <p>SEPP 65 and the ADG apply to the seniors housing component. The Draft DCP (Attachment A12) refers to the provisions of the ADG for consistency and is considered to have appropriately considered the design quality principles.</p> <p>Future development on the site would require further design review at the DA stage to ensure the consent authority are satisfied these principles and the ADG have been appropriately considered.</p>	<p>Inconsistent</p> <p>The planning proposal and its Urban Design Report and proposed DCP make statement that the master plan has been informed by the Apartment Design Guide however no detail is provided to demonstrate this. Refer to Part 4 of this submission for full assessment of design considerations.</p> <p>It is accepted that the detailed building design will be a matter for DA documentation, however the planning proposal does not demonstrate meeting 5 out of the 9 Design Quality Principles due to the proposed density, bulk and scale.</p> <p><i>Schedule 1 Design Quality Principles:</i></p> <p><i>Principle 1: Context and neighbourhood character</i></p> <ul style="list-style-type: none"> • <i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i> • <i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i> • <i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i> <p>The future character of this locality will remain one of low density residential development in established garden settings including tall canopy trees with buildings sitting under the canopy.</p> <p>The planning proposal does not respond nor contribute to its context. The proposed heights, particularly the 5, 6 and 7 storey buildings cannot be hidden from Stanhope Road. The buildings</p>



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			<p>heights will present a dominating and uncharacteristic bulk and scale to the Stanhope Road streetscape, especially as the land slopes upwards into the site to the ridge where the tallest buildings are located.</p> <p>The dominant and intact streetscape of Stanhope Road is of low density built form within a landscape setting. The existing development on the subject site has little consideration of the street and relationship to opposite and adjacent dwellings by utilising architectural elements such as roof forms, small footprints and lot layout that assimilate into the context; and importantly, enabling development to remain under the tree canopy protecting the bushland backdrop to heritage listed Seven Little Australians Park and vistas from Lindfield Soldiers Memorial Park.</p> <p><i>Principle 2: Built form and scale</i></p> <ul style="list-style-type: none"> • <i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i> • <i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i> • <i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i> <p>The modelling included in Part 4 of this submission indicates the onsite dominance of built form and very poor scale outcomes being delivered within the site on application of the proposed standards.</p> <p>The long stretches of dense development are more typical of city and dense urban areas. It precludes deep soil landscaping and planting of tall canopy trees due to extensive basements stretching beyond building footprints. Deep soil is a fundamental requirement for landscape character. The large footprint buildings coupled with their heights are likely to create cavernous central streets, overshadowed and with little open space association with the amenity of the site context.</p> <p><i>Principle 3: Density</i></p> <ul style="list-style-type: none"> • <i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i> • <i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i> <p>The proposed densities are excessive for the site. The inability of the proposal to properly ameliorate impact to the streetscape, to the bushland fringe, to the ridgeline tree canopy, to 91 Stanhope Rd plus deliver onsite bulk and scale that delivers good solar access and open spaces points to the necessity for a reduction in the proposed standards.</p> <p><i>Principle 5: Landscape</i></p> <ul style="list-style-type: none"> • <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i>



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			<ul style="list-style-type: none"> • <i>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i> • <i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management.</i> <p>The excessive level of development that will result from the planning proposal standards will result in the inability for any substantial open landscaped areas, and even less deep soil landscaping to support tree canopy and water infiltration. In addition, the lack of meaningful open space provision will not deliver the outdoor amenities mentioned in the proposal.</p> <p><i>Principle 6: Amenity</i></p> <ul style="list-style-type: none"> • <i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i> • <i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i> <p>Given the isolation of the site, distant to local centre facilities and to public transport, the on-site amenity is vital for all residents and especially for the elderly who are unlikely to drive as they age. The density proposed is unlikely to deliver high onsite amenity with many apartments facing south with no solar access, excessive on-site overlooking and overshadowing from building bulk and height.</p>



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<p>1.4 Site specific provisions</p>	<p>No response</p>	<p>Yes</p> <p>The site is proposed to be rezoned to R3 Medium Density Residential to enable the permissible uses of seniors housing and attached dwellings under that zone.</p>	<p>Consistent</p> <p>The planning proposal does not contain provisions for the site specific that would require separate statement.</p>
<p>3.2 Heritage conservation</p>	<p>The direction sets out that a Planning Proposal must include provisions to facilitate heritage conservation.</p> <p>The site is not currently subject to any statutory heritage listings. A heritage item and heritage conservation area is identified on adjacent land. The proposal has responded to the heritage context as outlined in Section 9.3.6 and the relevant heritage controls of the Ku-ring-gai LEP will apply at the DA stage.</p> <p>Consideration has also been given to the heritage value of Headfort House and whilst this is considered to have some historic value it is not considered to be of a significant value to be locally listed. This is discussed further within Section</p> <p>9.3.6. Notwithstanding Headfort House is proposed to be retained.</p>	<p>Yes</p> <p>The planning proposal’s Heritage Impact Statement (Attachment A8) concludes that the proposal is supported on heritage grounds subject to further heritage consideration in the process of detailed design. The proposal will not have a detrimental impact on surrounding heritage items and conservation areas including Seven Little Australian’s Park, Swain Gardens and Crown Blocks Conservation Area. Although not listed as a heritage item, the proposal seeks to retain Headfort House that is used as a chapel.</p> <p>Further consideration of heritage is discussed Sections 4.1 of this report.</p>	<p>Inconsistent</p> <p>This is not an adequate consideration of the Ministerial direction for heritage conservation that a “A planning proposal must contain provisions that facilitate the conservation.” This mandatory direction requires conservation of places of assessed significance identified in a study, including Headfort House, as well as listed heritage items, conservation areas.</p> <p>To satisfy this direction, the conservation measures need to be contained in the provisions of planning proposal, including the local plan and development control plan provisions. Reports are not part of the statutory planning proposal. This Ministerial direction is not addressed by suggested actions outside of the subject planning proposal, at a later stage, or in reports alone. Specifically, the Urbis Heritage Impact Statement of June 2021 and GML Heritage Headfort House Assessment of May 2017 make no provision for conserving the heritage of this site of Headfort House and its setting, the heritage conservation area and heritage items in the vicinity.</p> <p>Conserving heritage needs to be addressed at the same planning stage with equal statutory effect as proposed provisions for development, so that heritage is adequately conserved in the planning proposal. Ku-ring-gai Local Environmental Plan 2015 establishes the objectives of its heritage provisions are “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views...[and]...archaeological sites” (clause 5.10). These are the matters that need to be addressed in the planning proposal to facilitate conservation of significance in line with the Ministerial direction.</p> <p>The current planning proposal breaches this direction to contain provisions to facilitate conservation of places of heritage significance because of the following key omissions and impacts:</p> <ol style="list-style-type: none"> 1. No heritage listing of Headfort House and its setting of assessed significance; 2. Proposed height, proximity and density of development does not respect and conserve the significance of Headfort House and its setting, the setting of the conservation area, adjoining heritage items. 3. No provisions in the development control plan for conserving the significance of Headfort House and its setting, the setting of the conservation area and adjoining heritage items or relics.
<p>4.3 Planning for bushfire protection</p>	<p>The objective of the 9.1 Direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses and encouraging the sound management of bush fire prone areas. All provisions of the Direction are relevant to the Planning Proposal.</p>	<p>Inconsistency noted - Refer to discussion in Section 3.4.1 below.</p> <p>The objectives of the direction are to protect life, property and the environment from bushfire by discouraging incompatible land uses in bush fire prone areas and to encourage sound management of bushfire prone areas. The direction requires the</p>	<p>Inconsistent</p> <p>It is unclear how the Gateway Determination Report has considered this <i>4.3 Planning for bushfire protection</i> when it is a central contention and a key factor in assessing the suitability of the planning proposals.</p> <p>conflicts with strategic and site specific merit were not required to provide full justification prior to the exhibition of the planning proposal particularly in the context of seniors housing on bushfire</p>



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	<p>Part 3 of the Direction states that it applies to a planning proposal in proximity to bushfire prone land. Accordingly the Direction applies as the site is mapped as bushfire prone on the Ku-ring-gai Bushfire Prone Land Map.</p> <p>Part 4 of the Direction requires consultation with the NSW Rural Fire Service (RFS) following a Gateway decision and prior to public exhibition. The NSW RFS have been heavily consulted and have supported the proposed Planning Proposal (late 2020 and again in 2021). The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020. The NSW RFS supported the proposed Planning Proposal subject to compliance with the <i>Bushfire Engineering Design and Compliance Strategy</i>. Further consultation will be carried out with RFS during the exhibition of the proposal.</p> <p>Part 5(a) of the Direction requires that any future development can, and will, comply with <i>Planning for Bush Fire Protection 2019</i> (PBP 2019). The site can support appropriate Asset Protection Zones. The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019.</p> <p>Any future development will comply with these agreed design principles (and therefore PBP 2019).</p> <p>Part 6(b) sets out for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, a Planning Proposal must provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. The site can support appropriate APZ which complies with the performance intent of PBP 2019. This is an acceptable approach as PBP 2019 is a 'Performance-based' document. This is an acceptable compliance approach and has been agreed by the NSW RFS.</p>	<p>planning proposal to have regard to <i>Planning for Bushfire Protection 2019</i>.</p> <p>The direction applies to planning proposals that will affect land mapped as bushfire prone land, or land that is in proximity to land mapped as bush fire prone land. The majority of the site is bushfire prone and is identified as being within a vegetation buffer on the Ku-ring-gai Bushfire Prone Land Map. The site also adjoins bushland which is identified as Vegetation Category 1 (Figure 6).</p> <p>The proponent has been actively consulting with NSW Rural Fire Service (RFS) regarding the proposal's bushfire risk management and design response in accordance with the performance intent of <i>Planning for Bushfire Protection 2019</i> (Attachment A14).</p> <p>The outcome of this consultation with RFS has been the preparation of a Bushfire Engineering Design and Compliance Strategy (Attachment A6), which identifies a suite of design measures that are to be incorporated to ensure compliance with the aims and objectives of <i>Planning for Bushfire Protection 2019</i>. This Strategy has been supported by RFS (Attachment F).</p> <p>The direction requires the planning proposal authority to consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a Gateway determination and prior to public exhibition, and to take into account any comments made. Noting that there has been ongoing consultation with RFS regarding bushfire protection and the proposal's consistency with Ministerial Direction 4.3 Planning for Bushfire, no further consultation with the RFS has been specifically required <i>prior</i> to public exhibition.</p> <p>The direction also requires a planning proposal to comply with provisions including:</p> <ul style="list-style-type: none"> • to provide an Asset Protection Zone (APZ) to incorporate an Inner and Outer Protection Area. The applicant has addressed this requirement noting the Inner Protection Area is bound by a perimeter road and has a building line consistent with the incorporation of an APZ within the property. No outer protection area is proposed. • for infill development (within an existing 	<p>prone land, stated as merit considerations in the <i>Greater Sydney Region Plan</i>, the <i>North District Plan</i>, the <i>Ku-ring-gai Local Strategic Planning Statement</i> and the <i>Ku-ring-gai Local Housing Strategy</i>.</p> <ul style="list-style-type: none"> • Council considers it important that there is a transparent address of these considerations and how the proposal addresses the bushfire risk, and this be exhibited as part of a re-exhibited planning proposal. <p>The exhibited Planning Proposal relies on NSW RFS support and endorsement for the Planning Proposal. Our understanding is that NSW RFS only endorsed the Gateway approval and the placement of the Planning Proposal on exhibition. This was confirmed by NSW RFS in a meeting held with Ku-ring-gai Council on 12 September 2022.</p> <p>No evidence of appropriate Asset Protection Zones can be provided which provide defensible space and enough separation from the hazard for firefighters and other emergency services to work around the buildings. Heritage and ecological conflicts have not been addressed. There is no discussion on the size of APZ and the reasons why this APZ is considered to be appropriate given the vulnerable nature of facility occupants.</p> <p>The proposed Bushfire Engineering Design and Compliance Strategy relies too heavily on built form solutions and does not consider life safety. The strategy would not lead to protection against ember attack and radiant heat within the site.</p> <p>The design principles lack substance and there is no plan for their implementation.</p> <p>There is no risk assessment underpinning the proposed design strategy. The risk assessment provided does not lead to conclusions regarding the potential bushfire impact to the site in accordance with the methodology within <i>Planning for Bush Fire Protection 2019</i>. The statements made regarding bushfire risk do not reflect the full bushfire risk at the site, the north-easterly fire aspect is ignored.</p> <p>There is no evidence that a performance-based solution at this site can work as the submission lacks any detail.</p> <p>There is no information provided on the implementation of a safe-refuge.</p> <p>It is recognised that this is a Planning Proposal and not a detailed development application but without sufficient justification for the increase in density at the site and firm ways of implementing any performance-based design, it is likely that the outcome will be that bushfire protection cannot be properly implemented at DA stage and the site is left with substandard bushfire protection for a vastly increased density.</p> <p>Refer to Part 3 of this submission for full details on bushfire consideration.</p>

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	<p>The development concept has been designed to ensure the most vulnerable occupants (Special Bushfire Protection Purposes) are located furthest from the bushfire hazard. The design provides for 3 distinct development zones based on vulnerability:</p> <ul style="list-style-type: none"> Residential - located closest to the hazard, providing an outer ring shielding to the site Independent Living (SFPP) – provided further away from the bush and shielded by the residential development Aged Care (SFPP) – provided furthest away from the bush, shielded by the ILU and residential areas. <p>The Aged Care building is in an area with very low radiant heat and will be constructed to provide an onsite refuge for all residents.</p> <p>The design will ensure all occupants across the site can move from their place of residence into the ‘safer areas’ without exposure to dangerous levels of radiant heat. For additional redundancy, the buildings themselves will also be designed to allow residents to ‘shelter in place’.</p> <p>The residential buildings will be located, designed, and constructed to ensure appropriate safety as applicable for residential development.</p> <p>In this regard, the APZ provisions will be complied with through a performance-based approach.</p> <p>Part 7 of the direction provides for a planning proposal to be inconsistent with the terms of the Direction if the relevant planning authority has received written advice from the NSW Rural Fire Service that it does not object to the progression of the planning proposal. The NSW RFS have supported the proposed Planning Proposal and performance-based approach.</p> <p>The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020. The NSW RFS supported the proposed Planning Proposal subject to compliance with</p>	<p>subdivided area), where an appropriate APZ cannot be achieved provide for a performance standard in consultation with the RFS. If the provisions of the planning proposal permit a Special Fire Protection Purpose (SFPP), the APZ provisions must be complied with.</p> <p>An SFPP is defined under the section 100B of the Rural Fires Act 1997 to include seniors housing within the meaning of SEPP (Seniors Housing) 2004, a retirement village, a hospital, tourist accommodation, school and childcare centre. The proposal is considered to be inconsistent with this part of the direction as the proposal permits seniors housing which is a SFPP and therefore is required to comply with the APZ provisions for SPFFs (as set out in Planning for Bushfire Protection 2019 as a 100m buffer), rather than adopt a performance standard. The Bushfire Engineering Design and Compliance Strategy prepared for the planning proposal adopts a performance-based approach to mitigate bushfire risk and is therefore contrary to this term.</p> <p>The direction enables a planning proposal to be inconsistent with the terms of this direction if the Planning Secretary (or an officer of the Department nominated by the Secretary) is satisfied that the PPA has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.</p> <p>The RFS have been consulted through the preparation of the Bushfire Engineering Design and Compliance Strategy and a delegate of the Commissioner of the RFS has provided comment (Attachment F) that:</p> <ul style="list-style-type: none"> The NSW RFS is satisfied that the proposed performance-based approach is appropriate to satisfy the 9.1 Direction; Notwithstanding the performance-based approach, the NSW RFS does not object to the progression of the planning proposal. <p>Considering the advice provided by the RFS, the proposal is considered to have addressed this inconsistency with Direction 4.3 and is acceptable for</p>	

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	<p>the <i>Bushfire Engineering Design and Compliance Strategy</i>.</p> <p>The strategy identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019. Any future development will comply with these agreed design principles (and therefore PBP 2019).</p> <p>Further consideration Bushfire hazard is provided in Section 9.3.5 and the Bushfire Assessment at Appendix E. The Bushfire Assessment includes a more detailed assessment against Ministerial Direction 4.4.</p> <p><i>Note: Despite compliance through a performance-based approach, the Department of Planning and Environment considers the planning proposal to be inconsistent with clause (6)(b). Notwithstanding the inconsistency, it is noted the NSW 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.</i></p>	<p>Gateway determination and public exhibition.</p> <p>However, further consultation as part of exhibition will be required by the PPA with the RFS as conditioned on the Gateway determination. It is noted that the proposed townhouses (medium density housing) form part of the illustrative master plan (Attachment A2) which is referenced in the Bushfire Engineering Design and Compliance Strategy. The Gateway condition requires comment/determination from RFS on whether detached dwellings, dual occupancies and/or semi-detached dwellings may be provided instead of the proposed townhouses to facilitate bushfire risk mitigation for the seniors housing, prior to the finalisation of the planning proposal.</p>	
<p>4.5 Acid sulfate soils</p>	<p>The direction requires the RPA to prepare an acid sulfate soils study where it proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils.</p> <p>The site is identified as being subject of Class 5 acid sulphate soils which requires an Acid Sulphate Soils Management Plan for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>The site is well beyond 500m of Class 1, 2, 3 or 4 land however the need for an Acid Sulfate Soils Management Plan would be further considered at DA stage.</p>	<p>Yes</p> <p>The site is identified as being subject to Class 5 acid sulfate soils under the Ku-ring-gai LEP 2015 and it is noted that the site is more than 500m from any mapped Class 1 to 4 acid sulfate soils. An acid sulfate soils study may be required at the DA stage in accordance with the acid sulfate soils provisions in the LEP.</p>	<p>Consistent</p>
<p>5.1 Integrating land use and transport</p>	<p>The direction requires the RPA to ensure that the Planning Proposal includes provisions consistent with the principles of Integrating Land Use and Transport as outlined in key</p>	<p>Justifiably inconsistent - Refer to discussion in Section 3.4.2 below.</p> <p>This direction seeks to ensure the proposed development improves access to housing, jobs and</p>	<p>Inconsistent</p> <p>The planning proposal incorrectly states that the "site is located close to existing transport infrastructure including Killara and Lindfield train stations and a bus route which passes through the</p>



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	<p>polies and guidelines.</p> <p>The site is located close to existing transport infrastructure including Killara and Lindfield train stations and a bus route which passes through the site. The Planning Proposal will enable the intensification of seniors housing and new medium density housing in a well-connected site and encourage use of public transport.</p>	<p>services by walking, cycling and public transport, increases and supports the use of public transport and reduces dependency on cars and trip generation.</p> <p>The direction requires the planning proposal to give effect to the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The right Place for Business and Services – Planning Policy (DUAP 2001). It is noted that these guidelines do not address seniors housing.</p> <p>The direction enables a planning proposal to be inconsistent with this direction if the Planning Secretary is satisfied that the inconsistency is:</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction.</p> <p>The proposal is supported by a Transport Assessment (Attachment A9) that gives consideration to the objectives of this direction.</p> <p>Comment: The proposal is considered to be consistent with the objectives of this direction, noting that:</p> <ul style="list-style-type: none"> • New street layout and structure improves the walkability of the site. • The site is serviced by an existing bus route to Lindfield centre which will be maintained with access through an internal street for these services and is supplemented by a private bus service. <p>A Gateway condition requiring consultation with Transport for NSW has been recommended to consider the new street layout and site access for existing bus services.</p> <p>This direction will be required to be resolved prior to finalisation.</p>	<p>site. The Planning Proposal will enable the intensification of seniors housing and new medium density housing in a well-connected site and encourage use of public transport.”</p> <ul style="list-style-type: none"> • These statements are not evidenced, nor considerate of the reality of the distances to Killara and Lindfield train stations which preclude walking for the majority of elderly, and the unlikelihood of any significant increase to public transport to this location that would make it “well-connected”. <p>The Gateway Determination Report determines a justifiable consistency through</p> <p><i>5.1 - Consistency (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction</i></p> <p>The planning proposal includes a transport assessment: Arup Transport Assessment (June 2022). This Transport Assessment provides an overview of how the proposal aligns with Ministerial Direction 3.4 (consistency with objectives for integrating land use and transport) in Table 2.</p> <ul style="list-style-type: none"> • The table concludes that objectives relating to: <ul style="list-style-type: none"> - Improving access to housing, jobs and services by walking, cycling and public transport; - Increasing the choice of available transport and reducing dependence on cars; and - Reducing travel demand including the number of trips generated by development and the distances travelled especially by car <p>are met through the planning proposal, yet the assessment below (and even several of the Arup Transport Assessment’s own conclusions at the end of its Assessment report) makes it difficult to agree with this.</p> <p>The Planning Proposal is inconsistent with the objectives as its location does not provide a direct, safe and accessible route to local destinations and services within a 10-min walk or up to 800m, namely to Killara shops and to Lindfield local centre.</p> <p>Further to this, the placement of the proposed high density housing distant from the local centre means it cannot contribute to creating walkable, cycle-friendly neighbourhoods in and around the local centre.</p> <p>The site location within a low density area with limited public transport service precludes its connectivity, accessibility, walkability and alignment with the 30min city principles, particularly for the less mobile ageing population it seeks to accommodate within the high density proposal. The following aspects demonstrate that the site cannot align with 5.1:</p> <ul style="list-style-type: none"> • Lack of connectivity: The site is distant from local services and the local centre, located 1.3 km to Killara railway station and Post Office, and 1.8 km to Lindfield rail station and local centre retail services. • Lack of walkability: The Arup Transport Assessment (June 2022), concludes that Killara station (and by inference, other core shops and services) are “generally outside of comfortable walking distances.”. • Lack of accessibility: The Arup Transport Assessment acknowledges that Route 556 bus runs low frequencies, the limited provision reflective of the low density catchment of Killara, East Killara and Lindfield.



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			<p>A total of 23 services operate every weekday between 6.00am to 8.30pm. The frequency of the bus availability is further reduced on weekends with service occurring only 10 times on Saturday and 5 times on Sunday/public holiday.</p> <p>Furthermore, the Route 556 service only stops inside the Lourdes Retirement Village twice a day (9.32am and 12.30pm) on weekdays only, and no service on weekends. Outside of these services, older residents of the site would be required to walk to the bus stops in Rosebery Road to which there is currently no footpath on the eastern side of Rosebery Road (in the area of the bus stop), and the gradient of the nature strip between the footpath and the kerb on the western side of Rosebery Road (in the area of the bus stop) is unlikely to meet accessibility gradient requirements.</p> <p>Future residents of the site (both of the independent living units as well as the townhouses) will continue to rely on private cars to access basic services and facilities. This relies on the ability of the residents (especially ageing residents) to continue to drive and finance a vehicle. Similarly, visitors to the site are unlikely to consider the limited bus service as a convenient mode of transport particularly on weekends with the less frequent service.</p> <p>Private car use would likely be the preferred mode of transport for the larger number of employees that would be required to serve the proposed development, increasing from 157 dwellings to 340 dwellings including serviced apartments. In particular the Residential Aged Care Facility to increase from 83 beds to 130 beds would require 24 hour staffing.</p>
<p>6.1 Residential zones</p>	<p>The direction requires the relevant planning authority (RPA) to ensure that a Planning Proposal relating to residential land must include provisions to:</p> <ul style="list-style-type: none"> • Broaden the choice of building types and locations available in the housing market • Make more efficient use of existing infrastructure and services • Reduce the consumption of land for housing and associated urban development on the urban fringe, and • Be of good design. <p>The Planning Proposal will facilitate the delivery of high quality seniors housing and medium density housing to meet the needs of the existing and future community in the Ku-ring-gai LGA. The development will increase housing supply and improve the choice of dwelling type available.</p> <p>The Planning Proposal will make efficient use of existing transport infrastructure as the site is located close to Killara Train Station (approximately</p>	<p>Yes</p> <p>The proposal enhances the choice of housing within Ku-ring-gai by improving the quality of seniors housing to cater for an aging population and providing additional medium density housing to address evolving household structures. The illustrative master plan (Attachment A2) and draft DCP (Attachment A12) will assist in guiding the development outcome on the site to achieve the intended outcomes of this planning proposal.</p>	<p>Consistent</p> <p>Direction 6.1 states that</p> <p><i>(1) A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p><i>(a) broaden the choice of building types and locations available in the housing market, and</i></p> <p><i>(b) make more efficient use of existing infrastructure and services, and</i></p> <p><i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p><i>(d) be of good design.</i></p> <p>The planning proposal is generally consistent with the objectives except for</p> <ul style="list-style-type: none"> • (1)(b) as there are no existing services within an 800m distance from the site with the exception of one bus route with limited service. <p>The Gateway Determination Report refers to the planning proposal’s master plan and draft DCP as “guiding the development outcome on the site to achieve the intended outcomes of this planning proposal” however the masterplan is not sufficiently founded on sufficient evidenced merit to justify the development potential it presents; and the draft DCP is inconsistent with the Ku-ring-gai DCP and seeks to insert vague and unfounded standards that would set detrimental precedents for controls in the LGA.</p> <p>The site is a large landholding and it is understood that any redevelopment of the land, even under the existing improved standards of the Housing SEPP, will deliver considerable financial benefit to the landowner.</p>



Ministerial	Planning Proposal response	Gateway Determination Report assessment of the planning proposal	Ku-ring-gai Council assessment
	<p>1.4km and Lindfield Station (approximately 1.7km) and is serviced by bus route 556, which links Lourdes Village with Lindfield Train Station in 6 mins.</p> <p>The site is an existing retirement village and as such the proposed development will increase residential density without impacting the urban fringe.</p> <p>High quality design of the site has been presented by the Illustrative Master Plan and will be guided by the Site Specific DCP.</p>		<ul style="list-style-type: none"> The planning proposal seeks to increase the development potential of the land which will substantially increase its profitability. The retention of existing standards would deliver a more modest development outcome on the land but still deliver profits given the cost of seniors and general housing in Ku-ring-gai. It is clear that the proposal will result in multiple impacts and setting of precedent contrary to State and local policy, therefore it is important that any discussions regarding the requirements for increased potential on the land are substantiated. <p>No evidence has been provided to demonstrate why redevelopment of the site under the existing controls is not possible, particularly under the new standards of Part 5 of SEPP Housing 2021 which enables controlled uplift of seniors housing sites.</p> <p>No evidence such as a feasibility study has been provided to demonstrate why the extreme and detrimental intensification of development standards on the site is required to secure its redevelopment.</p>

Part 3 - Bushfire Assessment

- CR Bushfire: Peer Review of Planning Proposal
- Bushfire Strategic Study
- Bushfire Evacuation Risk Methodology and Assessment
- Minutes RFS-Council 12 September 2022

Ku-ring-gai Council has conducted the following three studies to assess the bushfire implications of increased standards under the planning proposal:

- A. Bushfire Peer Review: Planning Proposal. 95-97 Stanhope Rd, Killara (CR Bushfire)
- B. Bushfire Strategic Study. Lourdes Retirement Village (95-97 Stanhope Rd, Killara)
- C. Bushfire Evacuation Risk Assessment. 95-97 Stanhope Rd, Killara

All three investigations recommend the refusal of the planning proposal due to lack of evidence demonstrating how populations on the site would be protected during a bushfire event.

Council has met with the NSW RFS to discuss the planning proposal. Minutes of the 12 September 2022 meeting are attached in this Part.

NSW RFS confirmed that they have neither endorsed nor expressed support for the Planning Proposal, only support for the exhibition of the Planning Proposal. This is clear in an email from Mathew Smith, Director of Built & Natural Environment at NSW RFS on 18 January 2022 which states that the NSW RFS does not object to the progression of the planning proposal (attached to the meeting minutes).

The NSW RFS said they had communicated their expectation that the bushfire material placed on exhibition would be detailed with frank disclosure and justification against the strategic principles of, and ongoing compliance with, PBP (see meeting minutes 12 September 2022).

The key findings and recommendations of bushfire studies conducted by Council to evaluate the planning proposal are summarised below.

A. Bushfire Peer Review: Planning Proposal (CR Bushfire)

- This Bushfire Peer Review identifies serious failings within the exhibited Planning Proposal to strategically review the appropriateness of a significant increase in density on the site in relation to bushfire risk, evacuation potential and life safety.
- No full bushfire risk assessment is provided, the bushfire risk is significantly underplayed and the Proposal relies on a technical solution which does not address firefighter and occupant safety, the detail of which is uncertain and unimplementable within future planning stages.
- The Proposal is inconsistent with Section 9.1 Ministerial Direction 4.3 – *Planning for bushfire Protection and Planning for Bush Fire Protection 2019*.
- The issue of increased density and the use of refuges or ‘bunkers’ is discussed in *Eden Valley Holdings Pty Ltd v Blue Mountains City Council [2014] NSWLEC 1258*. The bunker proposed in this case was potentially acknowledged to reduce the risk to those on site but

would not outweigh the additional risk resulting from an increased number of people on site compared to that of a less intensive use. The additional risk to firefighters on site was of particular concern, as was the issue that development would likely be within BAL-Flame Zone with no defensible space.

Recommendations

1. The Planning Proposal be refused due to the increase in density not being supported by an evidence-based justification and delivery strategy and not prioritising life safety in accordance with *Planning for Bush Fire Protection 2019*.
2. Any future development be undertaken within the current R2 zoning with limitations on building heights to control the increase in residential density on the site for bushfire emergency management and evacuation purposes.
3. Should the proponent wish to proceed, the Planning Proposal be resubmitted in a modified form which results in reduced density, with full strategic bushfire assessment, evacuation analysis and a robust strategy for full delivery of any bushfire mitigation measures deemed required to enable an appropriate bushfire protection outcome through the development application process.

B. Bushfire Strategic Study

- The Planning Proposal fails to comply with the Strategic Planning Principles of PBP 2019 and triggers the “inappropriate” development exclusion requirements of PBP.
- The Acceptable Solution bushfire protection measures within PBP 2019 cannot be met by the future development envisaged in the Planning Proposal, and it does not offer opportunities for protection measures beyond the minimum compliance under PBP 2019.
- Compliance with PBP 2019 is partially reliant on the intervention/response by emergency services or hazard management on adjoining land (i.e. APZ requirements).
- ‘Unassisted’ off-site evacuation has not been demonstrated to be achieved by the Bushfire Assessment reports.
- This site is not suitable for increased dwellings and populations under PBP 2019.
 - The level of residual risk, after inclusion of the bushfire protection measures typically applied under PBP 2019, is inadequate and the master plan does not meet the PBP strategic planning principles and requirements.
 - Specifically, the aims and objectives, acceptable solutions and performance requirements of PBP pertaining to risk to life and risk to property cannot be met nor exceeded.
 - Further, there is a high reliance on emergency service response/intervention, and an unacceptable reliance on fuel management on adjoining lands to provide the level of bushfire protection and residual risk.

- If the Lourdes Retirement Village Planning Proposal including its masterplan proposal is approved by the authorities, then this Planning Proposal will set a precedent that sanctions both a population and residential building increase adjacent to the risk-prone bushland-urban interface - much of which is located at top-of-slope topography which is particularly vulnerable to bushfire impacts from both radiant heat and ember attack.

Recommendations:

1. Based on the lack of evidence and justification, it is recommended that the current 2022 Planning Proposal seeking outcomes of increased dwellings and population on 95-97 Stanhope Road, Killara be refused.
2. The option be given to submit a new planning proposal for the site, with a transparent and thorough bushfire assessment, that delivers the required bushfire risk related evidence and detail demonstrating:
 - compliance with PBP 2019, including elements such as perimeter roads for all new residential buildings that abut bushfire hazard as prescribed by PBP;
 - how any proposed on-site evacuation building will provide additional bushfire protection redundancy
 - including travel paths into the refuge that facilitate safe movement of vulnerable elderly and disabled people across the site's steep terrain, particularly during a power outage; and,
 - how large numbers of vulnerable and high dependency population will be housed for extended periods of time within the refuge, especially without power and medical emergency services to attend any stress-related health episodes whilst in the refuge;
 - off-site evacuation protocols including emergency services demand and relocation destinations, as it is unlikely this population group would endure extended times within a refuge;
 - provision of suitable on site APZ to ensure defensible space for buildings and firefighters - reliance on Council's adjacent heritage bushland and its management as an APZ is not acceptable as under PBP, recommended APZ dimensions must be provided solely on the subject site.
3. Consultation with relevant agencies regarding emergency management requirements and infrastructure provision to improve outcomes on the existing site for its current residents.

C. Bushfire Evacuation Risk Assessment

- Ku-ring-gai Council has successfully applied planning mechanisms under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to reduce risks to population and property that would result from a bushfire event, including bushfire evacuation risk.
- Application of the methodology to the Lourdes Retirement Village site, subject of the current 2022 planning proposal, demonstrates that this location is not suitable for increased population numbers.
- The substantial intensification of a use, being a special fire protection purpose under the Rural Fires Act, within an area that already exceeds the recommended number of dwellings for the one exit road, is of concern as increasing the number of residents will only make evacuation more difficult in the event of a bushfire, and place not only the residents on site at risk, but also residents outside the site in dwellings on Stanhope Road.
- It is also of concern that the additional increase in dwellings will be occupied by residents who are highly vulnerable to the effects of bushfire, are difficult to evacuate and are more susceptible to smoke impacts, anxiety and other geriatric related health issues, resulting in additional and high demand on emergency services to assist with safe evacuation.
- The planning proposal study by Blackash does not consider evacuation risk instead proposing underground tunnels and an onsite refuge to avoid evacuation of the population. However, it fails to explain how the refuge would cater for the 668 people, two thirds of whom are vulnerable elderly, 110 being high care including dementia patients, and how the tunnels would operate for less mobile people. There is no description nor testing provided to demonstrate the viability of an onsite refuge for this profile and volume of population.

Recommendations:

1. The planning proposal be refused for the following reasons:
 - it fails to meet the requirements for safe and timely evacuation of the resultant increased population of elderly, disabled, vulnerable people;
 - it proposes an onsite refuge with no validation of its design or function;
 - acceptance of the proposed evacuation risk will set a precedent that undermines Council's application of the same methodology in areas yet to be assessed as part of any future strategy to mitigate risk across Ku-ring-gai.

Bushfire Peer Review Planning Proposal



95-97 Stanhope Road
Killara NSW 2071



CR Bushfire.

7/40-42 Cassia Street
Dee Why NSW 2099
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Disclaimer:

This document has been prepared for Ku-ring-gai Council. No liability is accepted by CR Bushfire Pty Ltd and Australian Bushfire Protection Planners Pty Limited with respect to its use by any other person.

This report is prepared for the benefit of the named Client only. No third party may rely upon any advice or work completed by CR Bushfire Pty Ltd and Australian Bushfire Protection Planners Pty Limited in relation to the services, including this report, except to the extent expressly agreed in writing by CR Bushfire Pty Ltd and Australian Bushfire Protection Planners Pty Limited.

The Client agrees that the Consultant shall have no liability in respect of any damage or loss incurred as a result of bushfire.



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Appendix 1: Ministerial Consistency Table



Executive Summary

This Bushfire Peer Review identifies serious failings within the exhibited Planning Proposal to strategically review the appropriateness of a significant increase in density on the site in relation to bushfire risk, evacuation potential and life safety.

No full bushfire risk assessment is provided, the bushfire risk is significantly underplayed and the Proposal relies on a technical solution which does not address firefighter and occupant safety, the detail of which is uncertain and unimplementable within future planning stages.

The Proposal is inconsistent with Section 9.1 Ministerial Direction 4.3 – Planning for bushfire Protection and Planning for Bush Fire Protection 2019.

The following recommendations are made:

- 1. The Planning Proposal be refused due to the increase in density not being supported by an evidence-based justification and delivery strategy and not prioritising life safety in accordance with *Planning for Bush Fire Protection 2019*.**
- 2. Any future development be undertaken within the current R2 zoning with limitations on building heights to control the increase in residential density on the site for bushfire emergency management and evacuation purposes.**
- 3. Should the proponent wish to proceed, the Planning Proposal be resubmitted in a modified form which results in reduced density, with full strategic bushfire assessment, evacuation analysis and a robust strategy for full delivery of any bushfire mitigation measures deemed required to enable an appropriate bushfire protection outcome through the development application process.**

There is no evidence provided that the significant increase in density achieved by the changes in Local Environmental Plan controls proposed is appropriate within the bushfire risk context, evacuation capacity, the vulnerable nature of the development and potential risk to occupants and fire-fighters.

The key contentions with this Proposal are:

Strategic Appropriateness of Density Increase

1. Under *Planning for Bush Fire Protection 2019*, a Planning Proposal of strategic nature such as this should be supported by a Strategic Bushfire Study (SBS). The SBS should consider, as a minimum, the landscape bushfire risk, the proposed land use and the evacuation capacity of both the existing and proposed community.
2. No Strategic Bushfire Study has been provided within the Planning Proposal and the strategic appropriateness of increasing the density of development on this site is not considered by the proponent.

Bushfire Risk Assessment

3. The Proposal relies on a performance-based approach to risk assessment and a strategy for mitigation being prepared at the development application stage of development. Once a re-zoning is approved, the ability to appropriately mitigate future development on this existing site will be limited.
4. No conclusion on the potential bushfire behaviour impacting the site is provided by the proponent. The Proposal does not respond to a full bushfire risk assessment.
5. The assessment of the fire behaviour risk carried out within this review, and the parallel assessment undertaken by RedEye fire modelling engaged by Ku-ring-gai Council, are inconsistent with the Planning Proposal which states that “any bushfires impacting the site would be burning under what is typically a cooler easterly or south-easterly wind”.

The RedEye modelling found that:

- There is a north-easterly, south-easterly and southerly aspect to bushfire behaviour in the vegetation surrounding the site.
- There is potential for more gradual fire evolution from the north-east accompanied by spotting ahead of the fire front, or a more fast-moving fire in the vegetation to the south-east.
- There is high potential for both long and short fire runs to impact the Lourdes site which would largely be driven by north/north-westerly or north-easterly winds and a potential southerly wind change.



- Potential fire activity in the area could be fuelled by spot fires impacting the landscape immediately surrounding the site.
- Fire behaviour is likely to be exacerbated by the impacts of climate change, a long term perspective on future fire behaviour is relevant in the assessment of strategic planning proposals.

Emergency Response

6. Although there are firefighting resources in this area, ability to respond will depend on the speed of an approaching fire and fire behaviour in other parts of Ku-ring-gai Council area and the wider Sydney Metropolitan area. The assumptions made within the Planning Proposal about the level of suppression capability are an over-estimation and do not properly consider life safety.
7. The capacity of the site and surrounding road network to support an increase in people numbers has not been assessed. Early evacuation is the NSW RFS preferred emergency response action and has not been accounted for.
8. The proposal to include a refuge on site is not backed up with evidence that the building chosen has the capacity to accommodate the resultant numbers of people, which will include people with a high level of care dependency. There is no mechanism within the Planning Proposal to ensure that this refuge facility is included within any future development application.
9. The maximisation of development footprint within the site fails to provide a defensible space on site which is imperative to provide appropriate space for firefighters to operate around the site in the event of a bushfire.
10. The proposal fails to recognise the increased demand on emergency resources created by the proposed increase in density and does not take account of firefighter or occupant safety

Future Compliance

11. The proponent has not provided an assessment of the Planning Proposal against future compliance with Section 6.4 of *Planning for Bush Fire Protection 2019*.
12. There is no predictability provided for the decision-making process and no assurance that an increase in density on this site can be supported by appropriate bushfire mitigation in a future development application.
13. Despite relying heavily on built form solutions, no mechanisms are provided to ensure that these solutions will be followed through to development application stage. The proposed built form solutions will also be lost in any future development application process, thus resulting in additional numbers of people on site with no improvement in bushfire protection.
14. An assessment of the Planning Proposal undertaken within this review against Section 6.4 of PBP 2019 shows that the Proposal in its current form is not compliant with *Planning for Bush Fire Protection 2019* and would likely not achieve a Bush Fire Safety Authority.

Life Safety

15. The proposal relies heavily on built-form solutions rather than considering occupant and firefighter safety.
16. Due to the increase in density that would be supported by the current Planning Proposal, there is no opportunity to increase the Asset Protection Zones and defensible space available to allow firefighters to move around buildings and undertake active property protection without being in the BAL-Flame Zone level of exposure.



1. Background

Ku-ring-gai Council has received a Planning Proposal from Stockland Aevum Ltd, to rezone land at 95-97 Stanhope Rd, Killara.

An original Planning Proposal relating to the subject site was refused by Council in 2018 due to a number of issues, but most notably concerns with the potential bushfire risks.

The site currently operates as a retirement village (Lourdes Retirement Village) comprising 2-3 storey buildings. The uses include independent dwelling units, community uses, and a Residential Aged Care Facility (RACF).

The land was developed for senior's housing in the early 1980s and has had subsequent additions. The most recent development adding to the number of dwellings on the site was in 2011, completed under the SEPP (Housing for Seniors or people with a Disability) 2004.

The site currently houses:

- Independent living units;
- Serviced apartments;
- Residential Aged Care Facility (RACF);
- Admin centre, café, community centre, pool facilities;
- Croquet lawn, BBQ facilities; and
- Prayer chapel.

The Planning Proposal seeks to re-zone the land from R2 Low Density Residential to R3 Medium Density Residential, inherently allowing a substantially increased density on the site. The change to zoning would also include an increase to the maximum height allowed on site from 9.5m up to 22m and an increase in the floor space ratio from 0.3:1 to 0.75:1. The objectives of the planning proposal are to:

- Amend the planning controls which apply to Lourdes Retirement Village to facilitate the renewal of the existing facility to provide for contemporary, high quality accommodation and facilities with a high level of amenity and accessibility.
- Provide for increased supply of high-quality seniors housing and medium density housing to meet growing demand.
- Provide quality private communal facilities and communal open space for the seniors housing community.
- Provide for extensive landscaped areas to retain landscape character of the site and provide for high quality outlooks.
- Provide a new road layout that facilitates safe, convenient and legible access within the site and to the surrounding area and a high level of connectivity and amenity for pedestrians.
- Positively respond to the site features, including the bushland fringe and steep topography.
- Positively respond to the surrounding low density residential built form context and minimise any amenity impacts on adjacent dwellings.
- Allow for restoration and preservation of Headfort House.
- Ensure bushfire risks are appropriately mitigated.

The Planning Proposal seeks more modern seniors housing and renewal of housing and infrastructure to continue to attract new residents.

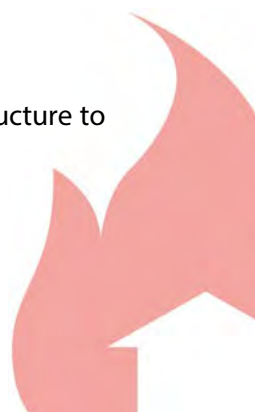
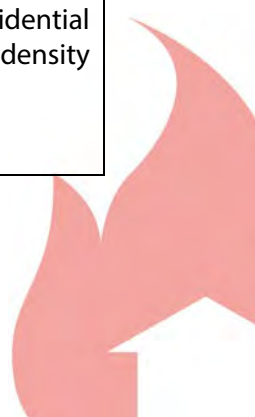


Table 1: Current and Proposed Controls

Control	Current	Proposed
Zoning	<p>R2 Low Density Residential</p> <p>It is noted that seniors housing, multi-dwelling housing and attached dwellings are currently a prohibited use in the R2 zone, although seniors housing is permitted in urban zones under Part 5 of the Housing SEPP.</p> <p>Permitted without consent: Home occupations</p> <p>Permitted with consent: Bed and breakfast accommodation; Building identification signs, Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture</p> <p>Prohibited: Any development not specified above.</p>	<p>R3 Medium Density Residential</p> <p>To allow for seniors housing, multi-dwelling housing and attached dwellings. The planning proposal also includes 'semi-detached dwellings' as an intended use, however, it is noted that semi-detached dwellings are not a permitted use under the R3 zone.</p> <p>Permitted without consent: Home occupations</p> <p>Permitted with consent: Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Seniors housing; Shop top housing; Tank-based aquaculture</p> <p>Prohibited: Any development not specified above.</p>
Objectives of zone	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai. 	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide a transition between low density residential housing and higher density forms of development.



Maximum Height of the Building	9.5m	Range of heights including 9.5m, 11.5m, 14.5m, 16m, 20.5m and 22m.
Floor Space Ratio	0.3:1	0.75:1
Number of Dwellings	<p>83 bed residential aged care facility (RACF).</p> <p>Total 159 dwellings:</p> <ul style="list-style-type: none"> • 108 independent living units (ILU). • 49 serviced apartments (seniors living). 	<p>110 bed residential aged care facility (RACF)</p> <p>Total 204 dwellings:</p> <ul style="list-style-type: none"> • 141 independent living units (ILU). • Medium density residential comprising 63 townhouses (non-seniors).

The illustrative master plan includes the following elements:

- A new street layout to improve the site's legibility and access.
- Community centre and facilities to service the seniors housing residents.
- New communal open spaces to service the seniors housing residents.
- Improvements to existing gardens and landscaping adjacent to the main entrance and
- Retention of existing native trees along the northern frontage to Stanhope Road.
- A new townhouse precinct that is accessed by a new internal street.

As the Planning Proposal is in an illustrative form only at this stage, the proposed occupant numbers are indicative and the purpose of the Planning Proposal is to seek approval of the principle for increased density on the site.

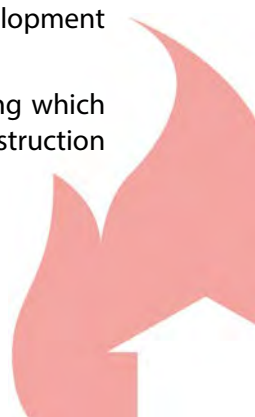
The crux of a Bushfire Assessment Report supporting the proposal should therefore be to address the strategic principle of the increase in density and proposed land uses on the site in relation to bushfire risk and potential bushfire impact.

A draft DCP has prepared to support the Planning Proposal and includes built form controls relating to:

- Land use and site layout
- Site setbacks.
- Landscaped area and communal open space requirements.
- Building design for seniors housing.
- Built form and landscaping controls for medium density housing.
- Access, movement and parking.
- Topography and earthworks.
- Bushfire management.

The proposed amendments to the KLEP 2015 are to enable the landowner to lodge a future Development Application for demolition and rebuild to a greater density on the site.

The Planning Proposal includes a bushfire assessment prepared by Blackash Bushfire Consulting which relies on the preparation of a Bushfire Engineering Design Strategy to be implemented at the Construction Certificate stage of the development.



A meeting was held between Ku-ring-gai Council and the NSW Rural Fire Service (NSW RFS) on 12 September 2022. CR Bushfire Pty Ltd were present at that meeting. Minutes of the meeting are included within Ku-ring-gai Council's submission on the Planning Proposal.



2. Site Description

The site at No. 95-97 Stanhope Road is located at the end of a ridgeline on the bushland urban interface. Just south and east of Lourdes Avenue is the council managed Seven Little Australians Park with bushland also extending further northeast of Eastern Arterial Road into Garigal National Park (Figure 1).

Table 1: Site Description

Address	95-97 Stanhope Road, Killara NSW 2071
Title	Lot 21 and Lot 22 DP 634645
Land Use Zone	R2 Low Density Residential (Ku-ring-gai LEP 2015)
LGA	Ku-ring-gai Council
Lot Size	52,496 m ²
Bushfire Prone Land	Buffer - Category 1 Vegetation
Forest Fire Danger Index	100

The site is located within an established low density residential area (single dwellings on large lots) to the north and west of the site, and established bushland to the south and east (Seven Little Australians Park forming part of Garigal National Park).

The existing buildings on site were constructed in 1983 and have been subject to subsequent additions. The buildings range from 1-3 storeys in heights and accommodate 260 senior and aged care residents in independent living units, community uses, and an aged care facility. The existing buildings on site have no current bushfire protection, other than the small APZ located between the buildings and the bushfire hazard.

The site is identified as a "buffer" on the Ku-ring-gai Council Bush Fire Prone Land Map (2017) in relation to surrounding Category 1 bushfire prone vegetation. The topography on site falls approximately 13m from the northern boundary of the site to the southern boundary.





Legend

Roads Hydrography - lines

Map Printed from FireMaps on Tue Sep 06 09:55:20 AEST 2022

Figure 1 Location of the site and surrounding bushland



3. The Brief

Our project team, consisting of *CR Bushfire Pty Ltd and Australian Bushfire Protection Planners Pty Limited*, has been commissioned by *Ku-ring-gai Council* to undertake an independent review of the bushfire impact of the Planning Proposal to rezone land at No. 95 – 97 Stanhope Road, Killara.

The scope of works includes:

- Provide a clear analysis of the bushfire aspects of this Planning Proposal seeking to justify significant residential population on this bushfire prone site.
- Identify any gaps of information or evidence in the applicant's information to support the proposed bushfire model and approach.
- Identify any inconsistencies in the applicant's approach or materials with recognised guidance or legislative documents and cases.
- Provide advice on whether the proposed bushfire considerations are sufficient to protect increased populations, particularly vulnerable elderly and potential family groups, and mitigate the level of risk to residents on the site, including their evacuation from the site.
- Provide clear arguments and final recommendations founded on a strong evidence base within/attached to the assessment report.

Investigation tasks include:

- Undertake an assessment of all bushfire related materials attached to the planning proposal including reports and various correspondence emails.
- Identify the adequacy and accuracy of the methodology and analysis used in the applicant's bushfire assessment.
- Investigate the relevance of the proposed bushfire design as a performance-based solution for the proposal, including but not limited to the following items:
 - effectiveness of APZ issues and compliance,
 - any issues of SFPP development,
 - radiant heat expectations of less than 10kW/sqm on any structural walls,
 - protection measures from current and future bushfire impact, both radiant heat impacts and extensive ember attack,
 - potential biodiversity loss in APZ construction/maintenance,
 - egress routes required during evacuation.
- Determine whether the report adequately addresses Direction 4.3 – Planning for Bush Fire Protection under section 9.1(2) of the Environmental Planning and Assessment Act 1979 and Planning for Bush Fire Protection 2019.
- Advise on the accuracy of the findings and conclusions of the applicant's assessment, particularly:
 - whether the site is capable of accommodating the proposed future development and associated land uses,
 - the adequacy of the proposed bush fire risk mitigation and evacuation measures.
- Prepare diagrams and maps of APZ widths (based on PBP 2019), BAL-ratings mapping (based on fireline intensity derived from Phoenix/SPARK), bushfire progression 'runs' and associated fire management diagrams/figures required to supplement the assessment report text and add to the evidence base.



- The relevance and acceptance of the performance-based approach using the Bush Fire Engineering Brief (BFEB) process for the APZ design and building construction, including relevance of the International Fire Engineering Guidelines.
- Detailed analysis and reporting on the technical capacity of this performance-based approach being able to satisfy the *Planning for Bush Fire Protection 2019* requirements.
- Legislative impacts of APZ use on land outside the site as a mitigation measure for this site, and the impact on biodiversity values and long-term maintenance particularly on the biodiverse bushland of the Seven Little Australians Reserve Heritage Item.
- Assessment of evacuation risks resulting from an increased residential capacity and associated access into and across the site.
- Assessment of other fire related factors affecting the air quality of the site, such as smoke exposure during fire events.
- Undertake and check the BAL-ratings (radiant heat fluxes in kW/sqm) provided by previous assessments, using direct Fireline Intensity measurements derived from Phoenix/SPARK modelling, particularly to ascertain where the important 10kW/sqm 'line' comes to with respect to SFPP needs.
- Demonstrate whether the proposal of locating increased population, especially vulnerable people, at the 'interface zone' aligns with safety protocols promoted by RFS and other recognised groups.
- Any other investigations to deliver a strong evidence-based case to support Council's position.

The following documents have been examined in the preparation of this report:

- Exhibited Planning Proposal Documents including:
 - Bushfire Assessment Report prepared by Blackash Bushfire Consulting,
 - Bushfire Engineering Design and Compliance Strategy,
 - Draft Development Control Plan,
 - Gateway Determination Report,
 - Bushfire Correspondence – Emails from the NSW Rural Fire Service,
 - Bushfire Correspondence – Email Panel Chair,
 - Heritage Impact Statement, Urbis, 16 June 2021,
 - Ecological Assessment, ACS Environmental P/L, Revised June 2021
 - Draft Site Specific Development Controls document prepared by FPD Pty Ltd.
- *Planning for Bush Fire Protection 2019* – NSW Rural Fire Service.
- Practice Note 2/12 Planning Instruments and Policies – NSW Rural Fire Service.
- Local Planning Directions issued by the Minister for Planning under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.
- Ku-ring-gai Council Bushfire Prone Land Map.
- Contour Plan(s) supplied by Ku-ring-gai Council.
- Slope Assessment Plan supplied by Ku-ring-gai Council.
- Local Environmental Plan Making Guideline, NSW Department of Planning, Industry and Environment, September 2022.
- Lourdes Retirement Village Bush Fire Strategic Study, Ku-ring-gai Council 30 September 2022;
- Bushfire Evacuation Risk Assessment, Ku-ring-gai Council.



- Department of Planning and Environment Attachment 1: EHG comments on the Planning Proposal for 95-97 Stanhope Road, Killara (PP-2022-658) 27 September 2022.
- NSW Department of Planning and Environment *Urban Design Advice* (Draft for Review), August 2021.



4. Legislative Context

4.1 Strategic

Legislatively, Planning Proposals must follow the Ministerial Directions under Section 9.1(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Direction 4.3 requires a planning proposal, that is in proximity to land mapped as bushfire prone land, to have regard to PBP 2019, introduce controls that avoid placing inappropriate developments in hazardous areas and ensure that bushfire hazard reduction is not prohibited within the APZ.

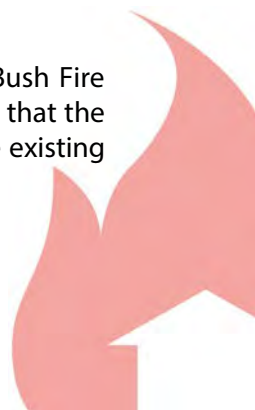
A Planning Proposal must, where development is proposed, comply with the following provisions:

- (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.*
- (2) A planning proposal must:*
 - (a) have regard to Planning for Bushfire Protection 2019,*
 - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*
 - (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).*
- (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*
 - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:*
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
 - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*
 - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*
 - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
 - (d) contain provisions for adequate water supply for firefighting purposes,*
 - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,*
 - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.*

As Ministerial Direction 4.3 requires all Planning Proposals to have regard to PBP 2019, Chapter 4 of PBP 2019 is relevant in this rezoning context. Chapter 4 of PBP requires that a bushfire assessment is required to be submitted to demonstrate compliance with the Section 9.1 (2) Directions and PBP as part of the consultation process with the NSW RFS. This bushfire assessment should take the form of Strategic Bush Fire Study as outlined in section 4.2 of PBP where the proposal is of a strategic nature.

It is clear that this proposal to increase residential density on a site with a high bushfire risk is strategic in nature and a Strategic Bush Fire Study is required.

PBP requires that any proposal submitted, in relation to residential or SFPP development on Bush Fire Prone Land, must demonstrate that the required APZs can be met on the development site and that the road network can support evacuation demand and not increase the level of bushfire risk to the existing community.



No strategic consideration of the bushfire risk to the development, increase in occupancy proposed on the site and any strategic implications of future development on bushfire mitigation and management is provided within the Planning Proposal documentation.

It is our understanding from a meeting held between Ku-ring-gai Council and NSW RFS on 12 September 2022 that NSW RFS have requested that this information be provided prior to public exhibition of the planning proposal.

It is our opinion that a strategic assessment of this nature is crucial to understanding the appropriateness of the proposed increase in density against the bushfire risk profile of the site. Our assessment of the strategic bushfire risk is provided at Section 7 of this report.

4.2 Development application stage

The existing use of the facility as aged care and seniors living accommodation is defined by the NSW Rural Fire Service under Section 100B of the Rural Fires Act as a *'Special Fire Protection Purpose Development'* (SFPP). Any redevelopment of the site where the use includes an element of SFPP development will be treated as SFPP. Guidance for SFPP developments is contained within Section 6 of *Planning for Bush Fire Protection 2019* (PBP). It is noted that PBP is not referred to under Section 100B of the Rural Fires Act, but nevertheless, the guidance provided by PBP is utilised by the NSW Rural Fire Service in assessing the compliance of new SFPP development.

The Planning Proposal layout includes both SFPP and residential land uses, which are treated differently by PBP, particularly in terms of the separation distance required from hazardous vegetation. The distances themselves are discussed later in this report.

Due to the majority of the development being SFPP, the entire proposal should be assessed from a bushfire risk perspective as SFPP, particularly because there is no identified clear mechanism requiring that part of the site be occupied by residential development, rather than SFPP.

Assuming the use is SFPP, PBP also treats new SFPP and existing SFPP differently. As the proposal is a full demolition and rebuild of the facility, it would be considered new SFPP under PBP. In our experience, the RFS have treated similar full rebuild proposals as new SFPP.

Section 6.2 of PBP details the following specific objectives for new Special Fire Protection Purpose Developments:

1. Minimise levels of radiant heat, localised smoke and ember attack through increased APZ, building design and construction.
2. Provide an appropriate operational environment for emergency service personnel during fire-fighting operations.
3. Ensure the capacity of existing infrastructure (such as roads and utilities) can accommodate the increase in demand during emergencies as a result of the development.
4. Ensure emergency evacuation procedures and management which provides for the special characteristics and needs of the occupants.

The intent and performance criteria within the tables in Section 6.8 must be satisfied for new SFPP developments. However, within the Planning Proposal documentation, it is assumed that the proposed new development relates to existing SFPP development. Whilst this is not necessarily the way similar proposals have been treated historically, we agree that this is an existing lot with existing services and that the principles relating to existing SFPP development within Section 6.4 of PBP are more relevant to the proposal.

The objectives relating to existing SFPP differ as follows:



7. provide an appropriate defensible space;
8. site the building in a location which ensures appropriate separation from the hazard to minimise potential for material ignition;
9. provide a better bush fire protection outcome for existing buildings;
10. new buildings should be located as far from the hazard as possible and should not be extended towards or situated closer to the hazard than the existing buildings (unless they can comply with section 6.8);
11. ensure there is no increase in bush fire management and maintenance responsibility on adjoining landowners without their written confirmation;
12. ensure building design and construction enhances the chances of occupant and building survival; and
13. provide for safe emergency evacuation procedures including capacity of existing infrastructure (such as roads).

The intentions within Section 6.4 for existing SFPP development also include

- achieving a “better bush fire outcome” than if the development did not proceed;
- assessment of the intensification of the use and consideration of risks to occupants and firefighters;
- consideration of the provision of a safe refuge building to accommodate all occupants.

It agreed that this set of objectives and principles within Section 6.4 of PBP 2019 is relevant to the assessment of the appropriateness of the Planning Proposal. No assessment of future compliance with this set of objectives is included within the Planning Proposal documentation. A brief assessment of the submitted information against the objectives above is provided below.

PBP Objective for SFPP Infill	Response
provide an appropriate defensible space	The space provided to actively defend the property against bushfire attack and assist occupants to evacuate is not an appropriate distance. Firefighter and occupant safety is not considered within the Planning Proposal.
site the building in a location which ensures appropriate separation from the hazard to minimise potential for material ignition	The illustrative Master Plan does not show appropriate separation from the hazard to minimise the potential for material ignition.
provide a better bush fire protection outcome for existing buildings	A better bush fire protection outcome is not provided, the APZ/defensible space is not increased and appropriate separation is not provided.
new buildings should be located as far from the hazard as possible and should not be extended towards or situated closer to the hazard than the existing buildings (unless they can comply with section 6.8)	New buildings can be located further from the hazard than those shown within the illustrative Master Plan. There is an opportunity to include a strategy to move the buildings further from the hazard to create a better outcome.
ensure there is no increase in bush fire management and maintenance responsibility on adjoining landowners without their written confirmation	No comment.
ensure building design and construction enhances the chances of occupant and building survival	There is a high-level strategy to include fire rated walls and internal sprinklers within the development. These measures cannot be ensured through the planning/construction process.



provide for safe emergency evacuation procedures including capacity of existing infrastructure (such as roads)	There is no consideration within the Planning Proposal of safe emergency evacuation and the capacity of existing infrastructure. Evidence provided by Ku-ring-gai Council suggests the road capacity is unable to cope with the additional density.
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The intentions of Section 6.4 cannot be met by the Planning Proposal in that:

- they do not achieve a “better bush fire outcome” than if the development did not proceed:

There is no increase in the APZ/defendable space on site and built-form measures cannot be guaranteed. The increase in the number of people on an ‘at risk’ site does not result in a “better bush fire outcome”;

- the intensification of the use and risks to occupants and firefighters have not been considered:

There are inherent risks to occupants and firefighters due to small APZs, lack of evacuation capacity within the surrounding road network and a design strategy that cannot be guaranteed to mitigate potential risks. An increase in density is not appropriate due to these risks;

- the provision of a safe refuge building to accommodate all occupants has been considered, although no detail provided.



5. Bushfire Potential

The Blackash Bushfire Threat Assessment Report submitted with the Planning Proposal does not include a detailed bushfire risk assessment, the proposed bushfire protection solution for the site does not therefore appear to respond to a calculated bushfire risk.

Within the Bushfire Threat Assessment, the Bushfire Hazard is described as the vegetation formations and topography combining to create bushfire threat which determines the bushfire threat.

The report undertakes a Fire Weather assessment which determines that the Fire Danger Index of 100 is relevant as per PBP 2019, but also notes that a more detailed analysis of FDI may be undertaken at the DA stage.

The Vegetation Assessment determines that the relevant vegetation impacting the site is considered Forest, but that a more detailed analysis of the vegetation including the impact of sandstone outcrops and applicability of Short Fire Run modelling, will be undertaken at DA stage.

A Slope analysis has been carried out, illustrating slopes range from 23.7° to the south east of the site and 11.3° to the south west of the site. Again, it is noted that a more detailed analysis of effective slope will be undertaken at the DA stage.

No conclusion is reached by the Bushfire Threat Assessment on the potential bushfire behaviour impacting the site. Although this assessment is provided to support a Planning Proposal, an assessment of the bushfire risk is required to be able to form conclusions in relation to the appropriateness of the proposed increase in density.

PBP Chapter 4 specifically requires an assessment of the potential fire behaviour that might be generated based on the vegetation, topography and weather identified. Without this assessment it is impossible to evaluate the potential impact on life and property from any bushfire approaching this site.

In order to review the Planning Proposal from a bushfire risk context, we have undertaken our own bushfire attack assessment and related this back to the public exhibition documents to determine the bushfire potential and bushfire risk impacting the site. The bushfire attack assessment was undertaken using the site methodology outlined in Appendix 1 of PBP to determine appropriate APZs and associated construction levels.

5.1 Vegetation Assessment

A site inspection was undertaken on 9 and 31 August 2022. The vegetation was assessed for a distance of 140 metres from the site (Transect 1) (Figure 5). Photographs of the vegetation are illustrated below in Figure 4.

The vegetation class mapped as occurring to the north, north-east and east of the site is Sydney Coastal Dry Sclerophyll Forest. Its structure is described as an open eucalypt forest and woodland, 10-30m tall with a prominent and diverse sclerophyll shrub understorey and open groundcover of sclerophyll sedges. The foliage cover is 30-70% and is dominated by Red Bloodwood *Corymbia gummifera* and Scribbly Gum *Eucalyptus haemastoma*.

There is no disagreement with the Planning Proposal documentation that the appropriate vegetation class to utilise within site assessment under Planning for Bush Fire Protection 2019 is 'Forest'.





Photograph 1 - Typical Vegetation Looking Southeast of Lourdes Avenue



Photograph 2 - Looking South of Lourdes Avenue





Photograph 3 - Looking Southwest of Lourdes Avenue



Photograph 4 - Looking Along Lourdes Avenue at Vegetation to the South



5.2 Slope Assessment

A slope assessment carried out by our project team identifies similar slopes to that of the Planning Proposal. There is no disagreement in the slopes used by the Blackash Bushfire Threat Assessment.

5.3 Potential Fire Behaviour

No conclusion is reached within the Blackash Bushfire Threat Assessment regarding the potential bushfire behaviour anticipated to impact the site. The Blackash Bushfire Assessment mentions in its Introduction that “any bushfires impacting the site would be burning under what is typically a cooler easterly or south-easterly wind”. It is not clear how this conclusion has been reached from the Bushfire Threat Assessment and what evidence underpins this statement.

Located on the bushland-urban interface, the site at No. 95-97 Stanhope Road, Killara is situated on a ridgetop with bushland to the south, east and further northeast. Vegetation impacting the site is dry sclerophyll forest with predominant Red Bloodwoods, Turpentine Smooth-barked Apple, She Oaks a scattered heath understorey and groundcover of sedges and grasses.

The Ku-ring-gai Bushfire Prone Land Map shows the site to be within the Buffer (yellow) for Category 1 vegetation (red). Category 1 vegetation is considered to have the highest combustibility of fire and includes areas of forest, woodland, heaths (tall and short), forested wetlands and timber plantations.

Fire has the potential to impact the site from the northeast and southeast. The run potential northeast exceeds 1.2 kilometres with the potential to spot over Eastern Arterial Road into vegetation southeast of Lourdes Avenue and take a run upslope toward the site (Figure 2).

Whilst there have been wildfires recorded in the surrounding suburbs, further west within Lane Cove National Park (1994) and further east within Garigal National Park (1990, 2003, 2013) there have been no fires recorded within bushland directly south or east of the site for more than 30 years. There are public records that the site was impacted, and engulfed, by fire in the 1950's. Significant advances have been made in warning and suppression since the 1950s, such that we can assumed that the risk to life and property is somewhat reduced, but nevertheless the bushfire risk is significant.

Both our bushfire risk assessment and Ku-ring-gai Council's bushfire modelling show that there is both a north-easterly and south-easterly fire weather aspect. Wind conditions could emanate from the north-east and fire build through the valley system to the north-east of the site. This could be a gradual evolution of fire to the north-east or, under more volatile conditions, a fast-moving fire. There is potential for this fire behaviour to result in potential spotting over into the vegetation to the south-east. Should a wind-change occur, this could result in a fast-moving fire approaching the southern interface of the development.

There are significant NSW Fire & Rescue and NSW RFS resources in the local area and it is quite possible that active fire intervention at the site could occur. However, this will depend on the speed of an approaching fire and fire behaviour in other parts of Ku-ring-gai Council area and the wider Sydney Metropolitan area. Should resources be stretched, emergency service intervention cannot be relied upon.

The analysis of fire behaviour provided within the Planning Proposal is under-estimated, not qualified by detailed risk assessment and does not provide an accurate context within which to assess the appropriateness of any increase in density on the site.





Legend
 NPWS Reserves Roads Hydrography - lines Contours (2m)
 Map Printed from FireMaps on Tue Sep 06 17:13:11 AEST 2022

Figure 2 - Northeast and South East Fire Run Potential



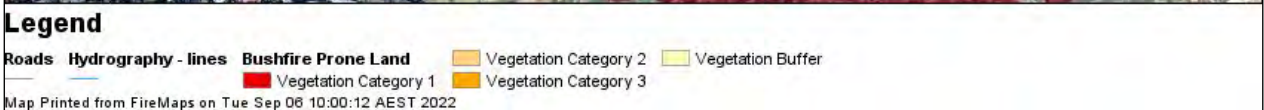
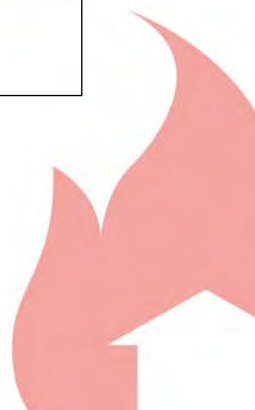


Figure 3 - Bush Fire Prone Land



5.4 Radiant Heat Calculation

In order to assess the impact of the identified vegetation and slope on potential fire behaviour, a radiant heat calculation has been undertaken against the methodology within PBP and based on the APZ requirements for both SFPP and residential development. The results are illustrated within the following diagrams. The diagrams are prepared using the prescriptive methodology provided by PBP 2019. It is accepted that the use of performance-based modelling can be undertaken at the DA stage but in assessment of appropriateness for the purposes of a Planning Proposal, the use of the prescriptive methodology is considered to be applicable, unless a detailed design fire model can be proposed illustrating otherwise.

The 10kW/m² APZ shown in Figure 4 (below) illustrates that the prescriptive 10kW/m² APZ cannot be met within the majority of the site. Any redevelopment of the SFPP uses on site would therefore only be provided with the required 10kW/m² APZ in a small portion of the site within the north-western quadrant.

The illustrative masterplan layout shows the aged care facility in this portion of the site, which is an appropriate response. Although it is agreed that on an existing SFPP site such as this, strict application of 10kW/m² is not entirely relevant, it should still form the starting point for the development of a design layout.

The Bushfire Attack Level (BAL) Plan provided shows that, under a prescriptive assessment, much of the outer rim of the site lies within BAL-Flame Zone.

Placing any SFPP development or any other type of development on a site which includes SFPP within BAL-Flame Zone is a high-risk strategy due to the lack of separation provided from hazardous vegetation. This is discussed further in Section 6 of this report.





Legend

Veg NPWS Reserves Roads Hydrography - lines Contours (2m)











Forest

Map Printed from FireMaps on Thu Sep 08 11:25:17 AEST 2022

Figure 4 Minimum APZ based on 10kW/sq m



Legend

Veg	BAL Contour Plan (residential)	 BAL-19	 BAL-40	NPWS Reserves	Roads	Hydrography - lines	Contours (2m)
 Forest	 BAL-12.5	 BAL-29	 BAL-FZ				

Map Printed from FireMaps on Thu Sep 08 11:18:12 AEST 2022

Figure 5 Bushfire Attack Level Map



6. Planning Proposal Analysis

There is no assessment within the current Planning Proposal against the Strategic Bushfire Principles and guidance provided within Chapter 4 of Planning for Bush Fire Protection 2019 (PBP).

In determining the appropriateness of a change from R2 Low Density Residential to R3 Medium Density Residential, it is important to assess the strategic bushfire risk and ensure that future development can respond appropriately through mitigation. Our review of the Planning Proposal below includes an assessment against the principles within Chapter 4 of PBP and additional site-specific observations relating to the Planning Proposal documentation.

6.1 Landscape Scale Bushfire Risk

The potential bushfire behaviour and potential fire runs towards the site are discussed in detail within Section 5 of this report. The bushfire landscape surrounding the site is not as extensive as other scenarios. However, there is significant fire potential to the north-east and south-east/south of the site within forested vegetation.

There is a north-easterly fire aspect and a topographic exposure of the subject land to north/north-easterly approaching wildfires (Ku-ring-gai Council SBS). Late afternoon north-easterly winds were a feature of fire behaviour during the Black Summer fires in 2019/2020 and they can be known to be some of the higher intensity and more destructive fires. The north/north-easterly aspect is therefore relevant and has not been considered within the Planning Proposal.

Further to this, the risk from the southerly bushfire aspect has been significantly underplayed. Whilst any fire originating from the east/south-east would be fuelled by cooler winds, a fire originating in the north/north-east which is then subject to a southerly wind change would redirect a potentially intense bushfire attack towards the subject site from a south/south-easterly direction. This is a common feature of NSW weather conditions and has occurred within multiple destructive fire events including Black Saturday (Victoria 2009), Tathra (NSW 2018) and multiple locations during Black Summer (NSW 2019/2020).

The fire potential at the site has been modelled by Ku-ring-gai Council and RedEye modelling using Phoenix *RapidFire* fire intensity modelling. Their work confirms that there is high potential for both long and short fire runs to impact the Lourdes site which would largely be driven by north/north-westerly or easterly winds and a potential southerly wind change.

Illustrative Figures within the Ku-ring-gai Council Strategic Bushfire Study show that the eastern and south-eastern boundary of the subject site would be most intensely impacted by higher fireline intensities. The eastern sector of the subject land is considered least appropriate for any density increase.

Potential fire activity in the area could be fuelled by spot fires impacting the landscape immediately surrounding the site. The origins of any spot fires could be fires within the wider landscape to the north/north-east of the subject site (RedEye Simulated Wildfire Modelling, 2022).

There is evidence that under a climate change future, fire events will become hotter and more intense under increased fuel loads, increased temperatures and increased drought conditions. There is also a greater likelihood of ignition in the landscape due to a potential increase in lightning strikes. A re-zoning such as that proposed requires a strategic assessment of potential fire behaviour over the lifetime of any likely future development.

There is a particular challenge in planning emergency response strategies around vulnerable members of the community under the climate change scenario of hotter and more intense fire behaviour. *"We must increase investment in.....building resilience in urban contexts, including anticipatory action and nature-based solutions, to better address the particular challenges and vulnerabilities of people living in cities"* (Norman, B 2022). The International Panel for Climate Change (2022) stated that *"failure to achieve climate resilient and sustainable development will result in a sub-optimal future for people and nature"*. The opportunity exists within the redevelopment on site to respond to climate change by creating a more adaptive and resilient future community.



Climate change is a relevant consideration for this Planning Proposal and should be included within any Strategic Bushfire Study prepared.

6.2 Land Use Assessment

The proposed land use has not been evaluated within the Planning Proposal documents. The principle of increased density on the site has not been addressed from a bushfire risk perspective. The potential mix of uses resulting from the Planning Proposal has also not been addressed.

The Planning Proposal includes both residential and Special Fire Protection uses on the site. The existing use as a retirement village, including an aged care facility, is established within the site. The Planning Proposal seeks to increase the density of development on the site such that there is both an increase in the number of aged care/seniors living occupants and allowance for residential development which is not Special Fire Protection Purpose use.

The delineation between the mix of uses within a future development is not entirely clear. Once the Planning Proposal has been approved, the situation of uses on the site would be subject to a further development application. Indeed, there would be nothing stopping an application for SFPP development across the entire site at an increased density than existing being submitted.

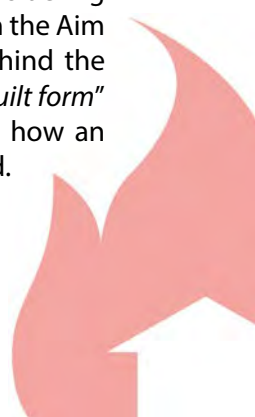
It is our opinion that the Planning Proposal should be assessed as if the entire site is SFPP at an increased density to establish the appropriateness of development should as this is a realistic future development scenario under the Proposal.

The proposed land uses and proposed future layout of land uses should be assessed against the bushfire risk. Key principles of a strategic bushfire assessment would be to use the redevelopment opportunity to significantly improve the layout of the site in relation to its bushfire risk.

The proposed layout includes residential development effectively being established to provide protection to the SFPP uses on site. The NSW RFS disagreed with the appropriateness of using residential development to shield existing development from the bushfire hazard in correspondence issued regarding the previous Planning Proposal in 2018. A Planning Proposal for residential rezoning at Ralston Avenue in Belrose which proposed a similar strategy to utilise new residential development to shield an existing community was rejected by the NSW RFS in their letter of 18 October 2017. Among the reasons for recommended refusal were the increase in pressure on firefighting resources and the placement of firefighters and a new community in an area of unacceptable bushfire risk.

The current setting of development on the site allows for a very small asset protection zone (APZ) around the buildings at the hazard vegetation interface. The APZ is typically approximately 11m, in some places as small as 8m. The illustrative Masterplan submitted with the Planning Proposal shows building within the same building envelope as the existing development.

The Draft Site-Specific DCP includes a variable setback of minimum 6m to all buildings to be provided to the adjacent bushland and that the setback is to be provided as a landscaped buffer which provides a transition between the bushland and adjacent built form. The uncertainty within this proposed control is an unacceptable strategy and allows too much variation in the building line without considering setbacks required to provide defensible space and bushfire protection. This is not compliant with the Aim and Objectives of PBP 2019 which provide for the protection of human life. The meaning behind the terminology "a landscaped buffer which provides a transition between the bushland and adjacent built form" should be qualified. It is not clear how this relates to the APZ requirements of PBP 2019 and how an appropriate separation between the hazard and buildings or a defensible space can be provided.



The term 'variable' should be removed and minimum setback distance increased significantly to take account of life-safety issues. This principle should be secured through amendments to planning controls and guidance.

One available design option is to move the building line within First Avenue which provides a larger APZ and a strategic advantage such that First Avenue is available for evacuation and for firefighters/emergency responders to safely move around the buildings assisting in evacuation and firefighting activities. This approach was endorsed by the NSW RFS within the meeting with Ku-ring-gai Council on 12 September 2022.

6.3 Asset Protection Zones

An increase in density on the site would require a much larger asset protection zone (APZ) to provide a defensible space and a space within which firefighters and other response personnel can move around the building assisting with evacuation and undertaking active firefighting. This would be an imperative requirement from a life-safety perspective.

The provision of a larger APZ could be provided in two ways. The first would be to provide space within the boundaries of the site by moving all development on the site further away from the vegetation line. One way to achieve this would be to move all development within First Avenue. This would have the added benefit that the road around the edge of the site would not need to be utilised for evacuation, as this road would be subject to much higher levels of radiant heat.

The second way to provide a larger APZ would be to utilise land off-site. No assessment has been undertaken to determine whether there is any possibility of providing a larger APZ off-site. This could only be provided through a legal agreement with the landowners and providing there are no ecological or heritage constraints preventing APZ provision.

The Heritage Impact Statement (HIS) submitted with the Planning Proposal discusses the heritage significance of Seven Little Australians Park, which is situated to the south and east of the site (see Figure 5 below) and forms part of Garigal National Park. The HIS notes the aesthetic and historical values of Seven Little Australians Park as parkland and remnant bushland. Provision of an APZ would have a detrimental effect on the heritage significance of Seven Little Australians Park.

The Planning Proposal is described within the HIS as being sympathetic to Seven Little Australians Park through retention of the bush/landscape character, site topography, generous setbacks from site boundaries (we do not agree from a bushfire perspective that the setbacks are generous) and the proposed regeneration of bushland around the southern and eastern edge. The bushland regeneration and its potential impact on bushfire behaviour around the site or APZ provision has not been acknowledged or assessed within the Bushfire Assessment.

The Ecological Assessment submitted with the Planning Proposal indicates commonly sighted threatened species of fauna recorded within or in close proximity to Seven Little Australians Park. The Grey-headed Flying-fox and the Large Bent-winged Bat have been sighted within the vegetation surrounding the site. Threatened flora species have also been recorded within 5km of the site. These ecological considerations would further limit the provision of an off-site APZ.

The Ecological Assessment has been questioned by the Department of Planning and Environment in their comments on the Planning Proposal. Specifically, there is reference to 50% of all landscape plantings being locally occurring trees and DPE question this requirement in relation to the landscaping requirements for an Inner Protection Area (IPA). Canopy cover would also need to be reduced to take account of the IPA requirement that there is not more than 15% canopy cover. Significant conflicts are identified between the IPA requirement, the current level of canopy cover on site and the potential removal of native vegetation required. The urban design strategy for the Planning Proposal should respond to these conflicts, currently they are not discussed within the Planning Proposal documentation.

The landscaped buffer described within the HIS and the Planning Proposal Report is also questioned by DPE in relation to the requirement for the site to be maintained as an IPA. Furthermore, the design typology recommended by the NSW Department of Planning and Environment in their Urban Design Review of the

Proposal is for a design idea which responds to the natural bushland setting of the site. There is no clarity provided regarding how the urban design context and ecological context of the site relates to the need for bushfire protection through inner protection area and APZ.

The potential fire behaviour identified and vulnerability of the facility mean that the provision of a larger APZ would be a significant benefit in bushfire protection on this site. Given the ecological and heritage constraints noted within the Planning Proposal, the only feasible way to do this would be to restrict the building line on site to fall within First Avenue, providing a clearly delineated APZ around built form on the site.

Clarity should be provided that the management of the entire site as an IPA on an ongoing basis is achievable in future development scenarios and the ways in which appropriate separation from the hazard and defensible space can be provided in light of ecological concerns.

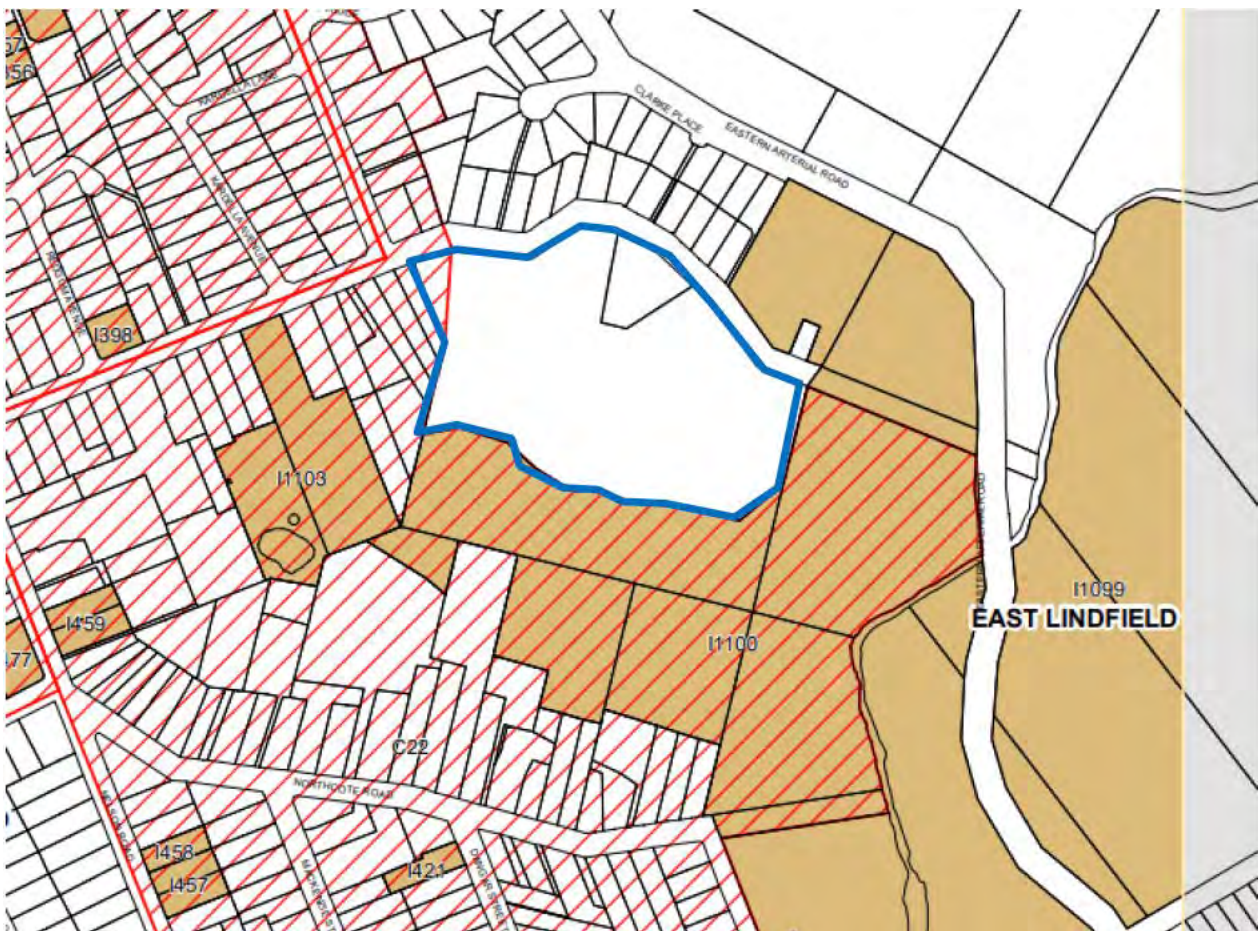
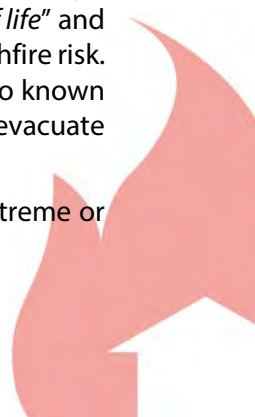


Figure 5 Extract of Heritage Map (source: Heritage Impact Assessment)

6.4 Access and Egress

There is no assessment provided within the Planning Proposal regarding the evacuation potential of the proposed increase in density resulting from the change in zoning. The Ku-ring-gai Council Strategic Bushfire Study notes that “early evacuation is the nationally accepted safest means for protection of life” and this is a key principle in determining the appropriateness of the proposed re-zoning in light of bushfire risk. We have established that there is significant risk of fast-moving fire approaching the site. It is also known that occupants of SFPP developments are vulnerable to the effects of a bush fire, often difficult to evacuate and more susceptible to smoke impacts.

Early relocation of occupants should be a valid strategy to ensure the safety of occupants in Extreme or Catastrophic fire conditions or when a fire is detected in the local landscape.



The Planning Proposal does not include any changes to the road network. It can be assumed therefore that the road network would be as existing, with an increased number of people accessing the same road network in order to evacuate.

It is important to note that the proposed number of people within the Planning Proposal is not a definite outcome, only that the illustrative masterplan would lead to that number of people. Once the re-zoning is approved, a detailed development layout will be prepared within the parameters of the new planning controls, which could lead to an uptake in the eventual capacity on the site. An assessment of the capacity of the road network is therefore required to be able to evaluate the evacuation of the site with future increased density.

Ku-ring-gai Council have prepared an Evacuation Risk Assessment against the principles of Cova (2005). The study shows that, based on the additional development proposed within the submitted Planning Proposal, the number of dwellings per exit exceeds the recommended maximum of 50. The increase in density therefore potentially places an unreasonable burden on exit routes during an emergency evacuation scenario.

No consideration has been provided by the proponent in regard to evacuation capacity of the road network in relation to the proposed increase in density on the site.

6.5 Emergency Management

The proponents state that there would likely be good fire brigade intervention at the site with significant firefighting resources available. This is attributed to any fire burning only under a easterly or south-easterly wind, however we have discussed that there is also possibility for fires to be burning under north, north-westerly or north-easterly winds within the valley system to the north-east.

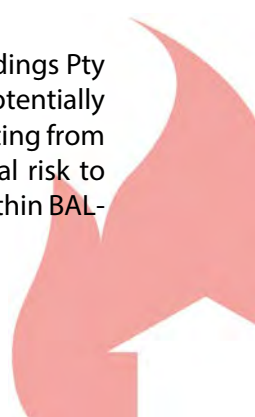
There is potential for suppression by emergency services, although the NSW RFS acknowledged during a meeting held with Ku-ring-gai Council on 12 September 2022 that emergency capability would need to be high to be able to deal with a bushfire event in this location due to the orientation of the site and likely movement of winds around the site. There is potential for any bushfire in this location to be fast moving and emergency response would need to occur quickly.

Early relocation of the occupants is an emergency management option, providing enough notice can be given to the facility that a fire is burning in the landscape, or that the fire conditions on any particular day are severe enough that a relocation strategy is necessary to reduce exposure. The proposed inclusion of a refuge building on site is a positive outcome and it's proposed location is appropriate but it is not clear how the refuge building would operate and how it's presence would be secured as a permanent feature of any site redevelopment.

Ku-ring-gai Council's evacuation study identifies a need for the refuge building to accommodate a minimum of 668 people. Some of those people would need a high level of care, the Urban Design Study states that 14 dementia suites will be located on the ground floor of the RAC Facility. There is no discussion in the Planning Proposal regarding how this number of people and their care needs can be accommodated within one building on site.

The ability of that refuge building to mitigate the emergency evacuation issues is unclear. Access to the proposed refuge building is intended to be via 'horizontal exit pathways'. It is not clear how these pathways will be constructed and how the exit strategy will operate in an emergency situation – e.g. mobility of residents, ventilation and smoke impact. The DPE ecological response also questions the potential impact to trees resulting from the underground network of pedestrian accessways.

The issue of increased density and the use of refuges or 'bunkers' is discussed in *Eden Valley Holdings Pty Ltd v Blue Mountains City Council* [2014] NSWLEC 1258. The bunker proposed in this case was potentially acknowledged to reduce the risk to those on site but would not outweigh the additional risk resulting from an increased number of people on site compared to that of a less intensive use. The additional risk to firefighters on site was of particular concern, as was the issue that development would likely be within BAL-Flame Zone with no defensible space.



An increase in the density of development on this site could have a negative effect on evacuation capacity within the local road network and would place a heavier burden on emergency services attending the site during a bushfire emergency.

6.6 Adjoining Land

The relevant considerations for adjoining land are discussed earlier within this report and in the proceeding section and relate to the ecological features adjacent to the subject site and the impact of the proposed increase in density on an emergency evacuation scenario.

The ecology within both the subject site and adjoining land should be clearly assessed to determine the appropriateness of APZ provision to provide defensible space for both occupants and firefighters.

The impact of the proposed increase in density on adjoining residential areas needs to be considered. The additional pressures placed upon an evacuation scenario by the proposed increase in the number of people on site should have been calculated and analysed as part of the Planning Proposal submission.

6.7 Increase in Density

The Planning Proposal relates to a proposed increase in the density of development on the subject site. The increase in density created by the proposed re-zoning from R2 Low Density Residential to R3 Medium Density Residential and proposed increases in both height and Floor Space Ratio has not been addressed from a bushfire risk perspective within the Planning Proposal documentation.

No evaluation of the proposed increase in density on the site has been provided within the Bushfire Assessment.

A specific master planned proposal has been prepared and submitted, but once the Planning Proposal has been approved, the specific development proposal referred to within the Bushfire Assessment will not necessarily development and any future development application can be based on the approved height and Floor Space Ratio (FSR) controls. The proposed height limit ranges of 9.5m, 11.5m, 14.5m, 16m, 20.5m and 22m, along with the proposed FSR of 0.75:1 could result in a much larger development than that illustrated within the submitted Master Plan.

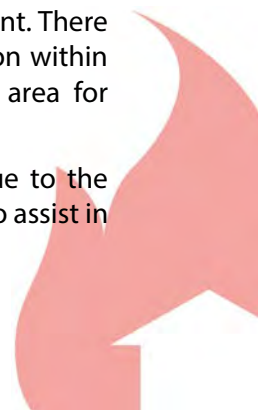
Once the Planning Proposal is approved, a development expectation is created and it will become very difficult to refute a further increase in density providing that proposed density is within the agreed controls.

A more detailed evaluation of the bushfire risk and proposed master plan layout could identify an appropriate carrying capacity for the site to influence more appropriate planning controls.

6.8 Life Safety

The Planning Proposal in its current form fails to consider life or firefighter safety. The existing APZ on site is only 8 metres wide in places and the proposed change in zoning to allow an increase in the amount of development on the site is likely to allow a similar, or even smaller, APZ on site. This APZ does not allow for a space which is 'defendable', particularly for a Special Fire Protection Purpose (SFPP) development. There is no scope for an APZ to be provided off-site due to the heritage significance of the vegetation within Seven Little Australians Park and the need to retain vegetation within Ku-ring-gai Council area for ecological reasons.

SFPP developments are typically provided with larger APZs than residential development due to the vulnerability of occupants and the need for firefighters to be able to work around the buildings to assist in



helping occupants to exit the building and extinguish spot fires. The larger APZ essentially buys additional time for occupants to evacuate. Whilst it is proposed that the buildings closest to the hazard vegetation within the illustrated Master Plan provided are residential in nature rather than SFPP, there is no mechanism to secure this and it is possible/likely that the entire site will remain SFPP but at a higher density than existing.

The current site layout does not provide enough space for firefighters to safely operate around the buildings. Attention is again drawn to *Eden Valley Holdings Pty Ltd v Blue Mountains City Council* [2014] NSWLEC 1258 where the issue of firefighter safety and lack of defensible space is of utmost concern.

The Bushfire Assessment states that the proposed setbacks have been specifically designed to ensure APZs are maximised as far as practical, however there is no evidence that consideration has been given to proposing, and securing, larger APZs to reduce the impact of radiant heat. In fact, the Bushfire Assessment leaves the detailed analysis and application of APZs to the DA stage.

The Design Strategy relies heavily on built-form solutions to mitigate bushfire risk, rather than proposing an increase to the current APZs on site. Although no detail is provided, the Introduction to the Bushfire Assessment states that “all buildings will be constructed with one hour fire rated external walls and internal sprinklers”. This strategy may protect built form at the hazard interface but does not consider life and firefighter safety within the site.

There are gaps within the buildings on the Master Plan and likely to be gaps within the buildings in any future DA. The gaps will allow embers and radiant heat to travel through the site, potentially causing spot fires and endangering life safety.

Again, despite potential built form solutions, the lack of APZ and potential proximity of buildings places firefighter safety at risk.

The profile of the site exacerbates this situation in that buildings at the southern outer edge of the site would provide little to no protection to development within the site due to their elevation being lower than buildings in the inner northern edge of the site.

There is also no consideration as to how these measures will be secured beyond Planning Proposal stage and even the Bushfire Engineering Design and Compliance Strategy does not consider how these measures will be secured.

Unless there is a clear strategy for their provision at DA Stage, for example within a Site-Specific DCP, it is entirely likely that these measures will not proceed within future development.

6.9 Ongoing Compliance

The strategy proposed within the Bushfire Assessment and Bushfire Engineering Design & Compliance Strategy is one that relies heavily on building construction. The measures proposed within the Bushfire Engineering Design & Compliance Strategy to mitigate bushfire risk at the site are not secured through any ongoing planning strategy, other than an assumption that a future design fire and performance-based approach can be compliant with the methodology, assumptions, Aim, Objectives and Performance Criteria of PBP.

The Bushfire Assessment report does not contain a bushfire risk assessment and does not provide any evidence that a performance-based approach to a risk assessment and provision of Asset Protection Zones (APZs) would work at this site. Although the performance-based Design Fire does not need to be locked down at Planning Proposal stage, it should be clear that this kind of approach would create a better bushfire outcome before the appropriateness of a change in zoning and increase in density can be properly assessed.



An evidence-based approach to development of the strategic planning framework in NSW is imperative (see Local Environmental Plan Making Guideline, NSW Department of Planning, Industry and Environment, September 2022) but no evidence has been provided regarding the actual bushfire risk to the site or the performance-based approach to design.

Beyond the approval of the Planning Proposal, it is not clear that any future Development Application can be compliant with PBP 2019. The strategic plan-making process is designed, partly, to “inject predictability into the decision-making process” (Local Environmental Plan Making Guideline, NSW Department of Planning, Industry and Environment, September 2022).

Without an evidence-based approach to the strategic bushfire planning framework for this site, there is no predictability in future decision making and a risk that bushfire protection measures will be compromised at the DA stage because the inherent risk and appropriate solutions have been overlooked at the Planning Proposal stage.

Draft Development Control Plan (DCP) has been prepared to support the Planning Proposal. The only Bushfire Management control within that Plan states that “Any future development must obtain a Bush Fire Safety Authority under s100B the Rural Fires Act 1997”. Any subdivision or development of SFPP on site will need a Bush Fire Safety Authority under s100B of the *Rural Fires Act 1997* in any case so the inclusion of this statement in the DCP does not achieve anything and is not particularly helpful. There is an opportunity here for the DCP to guide future development on the site to achieve good bushfire protection principles and achieve a better bushfire outcome on the site.

If the future strategy for the site includes various construction design measures to be incorporated to mitigate bushfire risk, there should be a mechanism for securing the delivery of these items through the planning process. Although not a legislative tool, the DCP would be one way to achieve this, another, more robust way to ensure delivery would be additional site-specific Local Environmental Plan clauses.

Notwithstanding this, as discussed in Section 7.6, the engineering construction measures proposed are not considered appropriate to mitigate the bushfire risk identified.

6.10 Precedent

The issue of the development of Seniors Living development within the Ku-ring-gai Local Government area has been dealt with previously by the courts and at a State level. The outcome of a court case: *Ground Crew at Turramurra Pty Ltd v Kuring-gai Council (First Respondent) The Commissioner of the Rural Fire Service (Second Respondent)* in 2008 regarding The Landings retirement village in Turramurra has steered applications for new Seniors Living development in the Ku-ring-gai Council area. The application offered improvements to bushfire safety as a trade-off against being allowed to construct 12 additional dwellings, arguing that the outcome would be a safer development than leaving the existing. The application included a strategy to move residents into a Safe Refuge Area in the event of a bushfire, but this strategy was dismissed as there was no example of this type of strategy being successful elsewhere. To date, to our knowledge, there is still no evidence of this strategy being tested. Overall, the Commissioner was not convinced by the evidence that the additional 12 dwellings would result in a safer outcome than the existing development and the appeal was dismissed.

Following the Landings case, the Department of Planning and Environment introduced a Bush Fire Evacuation Risk Map for the Ku-ring-gai Council area which is still maintained to this day. The map sits within the newly established Housing State Environmental Planning Policy and guides areas where Seniors Housing cannot be delivered in the Ku-ring-gai Council area. Changes to the map can only occur following recommendations from the NSW Rural Fire Service.

Ku-ring-gai Council has a long-established position on the development of new Seniors Living facilities, and extensions to existing Seniors Living facilities based on the Landings court case and the Bush Fire



Evacuation Risk Map. Ku-ring-gai Council and the NSW RFS have taken a strong position on any applications for development or re-development of Seniors Living facilities within the Council area.

Approval of an increase in density on the subject site, without sufficient justification for such an increase in density, would severely undermine this historic process and set a negative precedent which other Seniors Living facilities in much more extreme bushfire risk situations may follow.

6.11 Consistency with Ministerial Direction

Table A1.1 included within Appendix 1 to this report reviews the Planning Proposal against the various Clauses within Ministerial Direction 4.3. Based upon this assessment, the Planning Proposal is not consistent with approximately half of the Clauses within the Ministerial Direction. Fundamentally, the Planning Proposal is inconsistent with the objectives of the Direction to:

- a) Protection life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b) To encourage sound management of bush fire prone areas.

An increase in the density of Special Fire Protection Purpose development (or indeed any development) on this particular site is incompatible with the bushfire risk.

In other circumstances, inability to reconcile increases in density with bushfire protection has resulted in withdrawal or refusal. The most pertinent example of this in NSW is the Ingleside Structure Plan proposal which was exhibited in 2018 and subject to a Bushfire Peer Review prepared by Meridian Urban. The Structure Plan precinct was subject to a comprehensive Strategic Bushfire Study which determined that there is substantial bushfire risk across the site and evacuation extremely challenging. Available mitigation measures were not considered to be enough to reduce the risk profile to a level considered satisfactory by the NSW Department of Planning and Environment.

The proponent indicates the NSW RFS' support for the Planning Proposal in their Ministerial 4.4 (now Ministerial Direction 4.3) response table. However, the NSW RFS confirmed in the meeting held with Ku-ring-gai Council on 12 September 2022 that they have neither endorsed nor expressed support for the Planning Proposal, only support for the exhibition of the Planning Proposal. This is clear in an email from Mathew Smith, Director of Built & Natural Environment at NSW RFS on 18 January 2022 which states that the NSW RFS does not object to the progression of the planning proposal. Even then, it was expected by the NSW RFS that the reports would be updated to include a justification against the strategic principles of, and ongoing compliance with, PBP (see meeting minutes 12 September 2022).

The Proposal does not provide adequate protection for life and firefighter safety and therefore fails in consistency with the Ministerial Direction. A Strategic Bushfire Study is not provided and therefore compliance with Planning for Bush Fire Protection 2019 is not established.



7. References

Australian Building Codes Board (2005) *National Construction Code Volume 2*.

Barbara Norman *Urban Planning for Climate Change 2022*

ISSC3 Guide for the Management of Vegetation in the Vicinity lines of Electricity Assets. 2016.

Keith D (2004) *Ocean Shores to Desert Dunes*, Department of Environment and Conservations Sydney.

NSW Government Planning Portal, *Eplanning Spatial Viewer*

<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

NSW Rural Fire Service (2019) *Comprehensive vegetation fuel loads*, NSW Rural Fire Service.

NSW Government, ePlanning Spatial Viewer,

<https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

Planning NSW in conjunction with NSW Rural Fire Service (2019) *Planning for Bush Fire Protection*. NSW Rural Fire Service.

Standards Australia and Australian Building Codes Board (2018) *AS 3959 Construction of buildings in bushfire prone areas*.

The Central Resource of Sharing and Enabling Environmental Data in NSW – NSW Government SEED Portal

https://geo.seed.nsw.gov.au/Public_Viewer/index.html?viewer=Public_Viewer&locale=en-AU

The Hornsby Ku-ring-gai Bush Fire Management Committee (2010) *The Hornsby Ku-ring-gai Bush Fire Management Committee Bush Fire Risk Management Plan*. NSW Rural Fire Service.

Local Environmental Plan Making Guideline, NSW Department of Planning, Industry and Environment, September 2022.



APPENDIX 1

TABLE A1.1 Assessment Against Ministerial Direction 4.3

The following table provides an assessment of the Planning Proposal against the clauses within Ministerial Direction 4.3 relating to bushfire protection. The Planning Proposal Response has been taken from the Blackash Bushfire Assessment exhibited as part of the Planning Proposal. Comment has then been provided by CR Bushfire Pty Ltd and consistency with the Ministerial Direction assessed by CR Bushfire Pty Ltd. The overall outcome of the table below demonstrates that the Planning Proposal is not consistent with Ministerial Direction 4.3.

Ministerial Direction Clause	Planning Proposal Response	CR Bushfire Comment	Consistency
<p>PART 1</p> <p>The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>The site planning proposal will be designed in accordance with the NSW RFS approved <i>Bushfire Engineering Design and Compliance Strategy</i>. This was developed in consultation with the NSW RFS and identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019.</p> <p>The planning proposal creates a significantly better bushfire outcome than what currently exists (entire site developed with non-compliant aged care). The future development will comply with PBP 2019.</p>	<p>The principle of land use is already established on the site as the site is occupied by an existing Special Fire Purpose Facility and the general land use is established by the site's R2 Low Density Zoning.</p> <p>The Planning Proposal focusses heavily on built form solutions but does not consider the protection of life through over-development which does not allow for separation from the hazard and provision of defensible space.</p> <p>Sound management of the site is impossible given the lack of defensible space provided.</p>	NO.
<p>PART 2</p> <p>This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p>The site is within a local government area who has prepared a bushfire prone map; therefore the direction applies.</p>	<p>No further comment.</p>	YES.

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TABLE A1.1 Assessment Against Ministerial Direction 4.3

<p>PART 3 This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p>	<p>The site is bushfire prone, therefore the direction applies.</p>	<p>No further comment.</p>	<p>YES.</p>
<p>PART 4 In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of Schedule 1, clause 4 of the Act, and take into account any comments so made, a. have regard to Planning for Bushfire Protection 2019;</p>	<p>The NSW RFS have been heavily consulted and have supported the proposed Planning Proposal (late 2020 and again in 2021). <i>The Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020. The NSW RFS supported the proposed Planning Proposal subject to compliance with the <i>Bushfire Engineering Design and Compliance Strategy</i>.</p>	<p>The NSW RFS have been consulted at the Gateway Stage of the Planning Proposal. They have supported the Planning Proposal progressing beyond the Gateway but have (verbally) requested further detail be provided regarding the proposed performance-based approach and the strategic appropriateness of the proposed re-zoning to be submitted prior to public exhibition of the Planning Proposal (see meeting minutes from Kuring-gai Council 12 September 2022).</p>	<p>PARTIAL.</p>
<p>PART 5: A Planning Proposal must: a. have regard to <i>Planning for Bush Fire Protection 2019</i>;</p>	<p>The site can support appropriate APZ . <i>The Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019. Any future development will comply with these agreed design principles (and therefore PBP 2019).</p>	<p>The Planning Proposal fails to acknowledge Chapter 4 of Planning for Bush Fire Protection 2019 which is relevant to the proposal to re-zone and increase the density of development on the site. The Planning Proposal in its current form is not consistent with the Aim and Objectives of PBP 2019 and the Objectives applied to Special Fire Protection Purpose development (see Section 3 of this report). It is not clear how any future development will be compliant with the Aim and Objectives of PBP 2019.</p>	<p>NO.</p>
<p>b. introduce controls that avoid placing inappropriate developments in hazardous areas; and</p>	<p>Any future development can, and will, comply with <i>Planning for Bush Fire Protection 2019</i>. This provides a framework of bushfire protection and design parameters that fundamentally ensures</p>	<p>The Planning Proposal will result in an increase in the density of development on the site. Special Fire Protection Purpose development will be permissible across the site, with greater height</p>	<p>NO.</p>

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TABLE A1.1 Assessment Against Ministerial Direction 4.3

	inappropriate developments aren't placed in hazardous areas. The site is already developed for the purposes of a SFPP and the future development will significantly reduce the exposure of vulnerable residents and provide a bushfire safety outcome (through a suite of performance-based measures) that far exceeds that required through a typical 'Acceptable Solutions' approach.	and Floor Space Ratios allowed. A development expectation is set that development can follow the existing building footprint. There is no clear strategy or mechanism proposed to ensure that inappropriate development will not continue to be placed in close proximity to the hazard.	
c. ensure that bushfire hazard reduction is not prohibited within the APZ.	Bushfire hazard reduction is not prohibited within the APZ. The APZ will ensure legally that hazard reduction is ongoing and maintained.	No further comment.	YES.
PART 6 A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: a. provide an Asset Protection Zone (APZ) incorporating at a minimum: i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and i. an Outer Protection Area managed for hazard reduction and located on the bushland side	The proposal provides an APZ which incorporates the following: <ul style="list-style-type: none"> An Inner Protection Area bounded by a perimeter road which circumscribes the adjoining hazard and has a building line consistent with the incorporation of an APZ, within the property; The entire site will be managed as an Inner Protection Area; No Outer Protection Area is proposed. 	The APZ provided is as small as 8m in places. It is not consistent with the APZ distances required for SFPP development under PBP 2019 and does not provide appropriate separation from the hazard. No Outer Protection Area can be provided on the site as the proposed area for Asset Protection is too small to allow both an Inner and Outer Protection Area.	PARTIAL.
b. for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with;	The site can support appropriate APZ which comply with the performance intent (provisions) of PBP 2019. This is an acceptable approach as PBP 2019 is a 'performance-based' document. This means the APZ aren't determined based in Table A1.12.1 of PBP 2019, rather the APZ and the development itself are designed to achieve the appropriate performance as provided by PBP 2019. This is an acceptable compliance approach and has been agreed by the NSW RFS.	The site cannot support an appropriate Asset Protection Zone for SFPP development, unless development on site can result in the building line moving away from the hazard and providing a much larger APZ within which firefighters and emergency services can work around the building. The use of a performance-based solution is an accepted approach to achieving compliance with PBP 2019. However, no performance-based solution has been proposed by the proponent and	NO.

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TABLE A1.1 Assessment Against Ministerial Direction 4.3

	<p>The development concept has been designed to ensure the most vulnerable occupants (SFPP) are located furthest from the bushfire hazard. The design provides for 3 distinct development zones based on vulnerability:</p> <ol style="list-style-type: none"> 1. Residential - located closest to the hazard, providing an outer ring of shielding to the site; 2. Independent Living (SFPP) – provided further away from the bush and shielded by the residential development; and 3. Aged Care (SFPP) – provided furthest away from the bush, shielded by the ILU and residential areas. <p>The Aged Care building is in an area with very low radiant heat and will be constructed to provide an onsite refuge for all residents.</p> <p>The design will ensure all occupants across the site can move from their place of residence into the 'safer areas' without exposure to dangerous levels of radiant heat. For additional redundancy, the buildings themselves will also be designed to allow residents to 'shelter in place'.</p> <p>The residential buildings will be located, designed, and constructed to ensure appropriate safety as applicable for residential development. In this regard, the APZ provisions will be complied with through a performance-based approach.</p>	<p>therefore no evidence that a performance-based approach can achieve a compliant solution on the site. At Planning Proposal stage, reliance on a performance-based solution is only acceptable if it proves that compliance can be achieved at the DA stage. Otherwise a development expectation is created with no guarantee of future compliance with PBP.</p> <p>Firefighter safety has not been considered within the Planning Proposal.</p> <p>The proposed measures designed to protect residents and occupants on the site include no detail and no mechanism to secure their implementation at the development application stage of development.</p>	
<p>c. contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks;</p>	<p>The road layout will be two-way and designed as a 'through road' network with multiple links to Stanhope Road and the perimeter road.</p>	<p>No further comment.</p>	<p>YES.</p>

APPENDIX 1

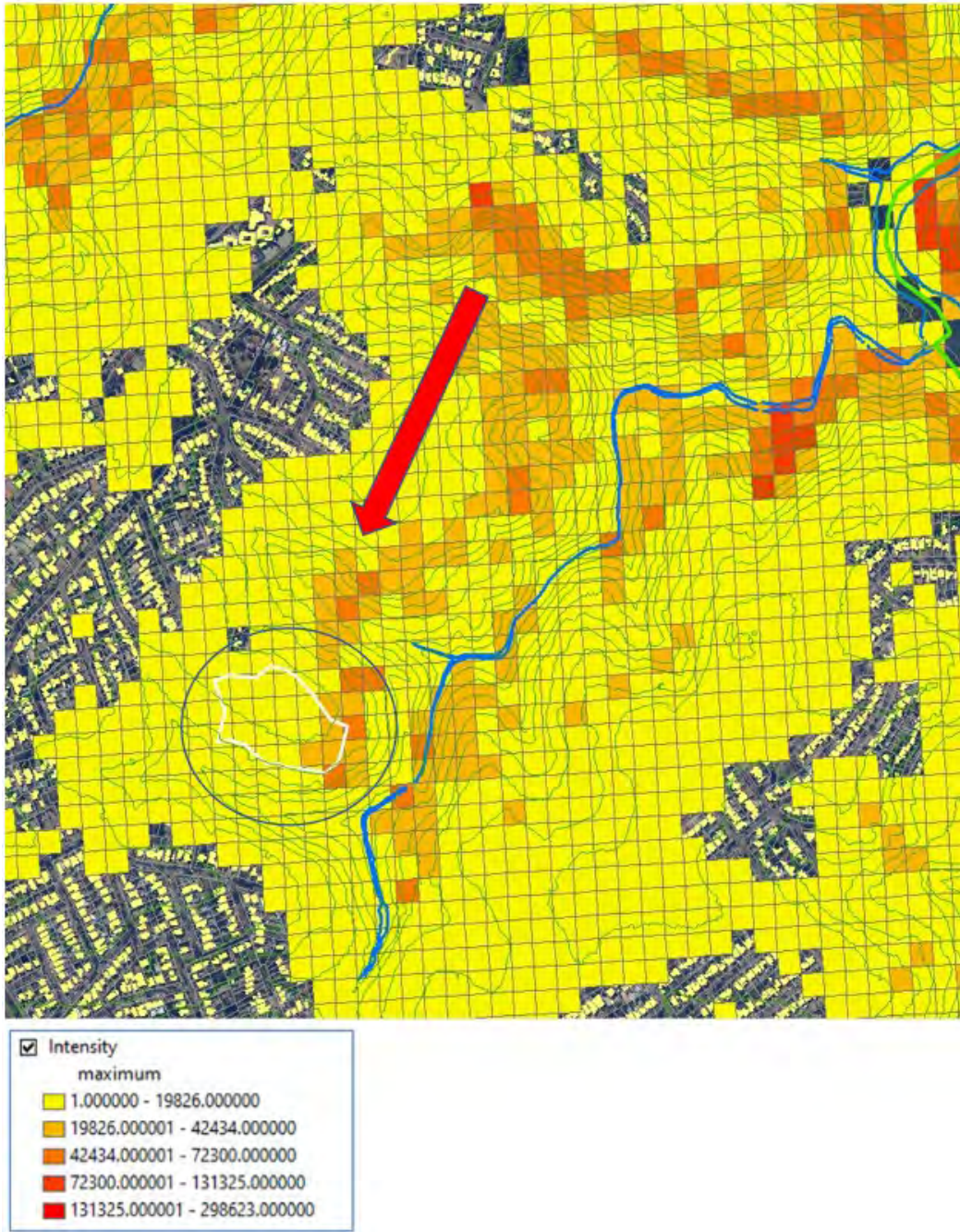
TABLE A1.1 Assessment Against Ministerial Direction 4.3

<p>d. contain provisions for adequate water supply for firefighting purposes;</p>	<p>The site is serviced by reticulated water and all future development provided with hydrants in accordance with AS2419 and water provisions of PBP 2019.</p>	<p>No further comment.</p>	<p>YES.</p>
<p>e. minimise the perimeter of the area of land interfacing the hazard which may be developed; and</p>	<ul style="list-style-type: none"> • The perimeter of the site includes a perimeter road; • The design of the development will be 'simple to minimise the interface with the bushland; • The design ensures the more 'vulnerable' residents are located furthest away from the bushfire hazard, creating the lowest possible risk profile for the site. • The planning proposal creates a significantly better bushfire outcome than what currently exists. The future development will comply with PBP 2019. 	<p>There is plenty of opportunity on site to design development such that</p> <ol style="list-style-type: none"> 1. the perimeter of the developable area interfacing the hazard is minimised and 2. a larger Asset Protection Zone is provided than currently exists to assist in firefighting operations. <p>These two important principles should be agreed at Planning Proposal stage to ensure that any future development on site creates a 'better bushfire outcome'. Appropriate planning controls and guidance should be put in place to ensure these two principles remain for the lifetime of the development.</p>	<p>NO.</p>
<p>f. introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	<p>Controls will be created as part of the Development Application process and the conditions associated with the required APZ.</p>	<p>Controls need to be created at Planning Proposal stage. There is no mechanism created during the Development Application process to introduce controls.</p>	<p>NO.</p>

Bush Fire Strategic Study:

Lourdes Retirement Village (95-97 Stanhope Rd, Killara)

Mark Schuster (Bushfire Technical Officer) Ku-ring-gai Council



DOCUMENT TRACKING

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Disclaimer

Template 2.8.1

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Abbreviations

Abbreviations	Description
APZ	Asset Protection Zone
BFSS	Bush Fire Strategic Study
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
DPE	Department of Planning & Environment
GEV	Generalised Extreme Value
LEP	Local Environmental Plan
LGA	Local Government Area
NPWS	National Parks and Wildlife Service
NSP	Neighbourhood Safer Place
NSW	New South Wales
OEH	Office of Environment and Heritage
PBP	Planning for Bushfire Protection
RF Act	<i>Rural Fires Act 1997</i>
RFS	Rural Fire Service
SFAZ	Strategic Fire Advantage Zone
SFPP	Special Fire Protection Purpose

Executive Summary

A Strategic Bushfire Study has been undertaken for the rezoning Planning Proposal and its Urban Study master plan of Lourdes Retirement Village, 95-97 Stanhope Rd, Killara.

The new *Planning for Bushfire Protection 2019* (PBP 2019) calls for a Strategic Bush Fire Study (SBFS) at the earliest stages of the master planning process. This would include a rezoning application where reliance is placed on the findings of an urban design analysis and site master plan design informing the new standards in the planning proposal. The SBFS follows the emergency management principles within the *National Emergency Risk Assessment Guidelines* (NERAG) principles of establishing the context, carrying out a risk assessment and then applying risk treatment. **The strategic nature of the bush fire study enables assessment of the appropriateness of a particular landscape/bush fire risk context for development, essentially asking the question whether a future community in the proposed location would be resilient to bush fire attack.**

Ku-ring-gai LGA is one of the most bushfire prone council areas in NSW, with approximately 108km of bushland-urban interface and surrounded on the western, northern and eastern sides by large bushland National Parks (Lane Cove, Ku-ring-gai Chase and Garigal respectively) and extensive Council bushland reserves.

Due to the relative recency and application of bushfire planning mechanisms for siting of residential development (*AS3959:2018* was initiated in 1979 and the NSW RFS *Planning for Bushfire Protection* in 2006), much of the housing stock within the LGA is currently not adequately protected against bushfire impacts. Periodic bushfire impacts between the 1920s and 1994 have destroyed dozens of houses along the interface zone. The positioning of a large number of residences at the top-of-slope, adjoining bushland tracts, has very high potential bushfire impact risk, particularly from severe 'crown fires' controlled by winds rather than fuel quantity.

Ku-ring-gai Council has been proactive in its stance to reduce the risk to its citizens and their residences through a number of planning instruments and management actions, including

- Council's Managing Bushfire Risk Now and Into the Future (2004) study underpinning zoning as a means of managing the risks associated with bushfire and evacuation;
- Bushfire Prone Lands (BPL) mapping delineating hazard areas;
- Bushfire Evacuation Risk Assessment Methodology (Deferred Areas Planning Proposal);
- Climate Wise Communities program assisting in preparation for bushfire;
- Use of the RFS *Planning for Bushfire Protection 2019* (PBP) document to assist in protection measures for residential development;
- Hornsby Ku-ring-gai Bush Fire Management Committee coordinating regional frameworks for bushfire mitigation activities;
- Utilising the advanced Phoenix Rapidfire bushfire scenario modelling provided in partnership with RedEye Apps Pty Ltd – providing Council with detailed bushfire risk modelling (using Fire Line Intensity and Ember Density modelling) to determine priority bushfire risk zones within the LGA.

The 'cutting edge' bushfire scenario modelling undertaken by RedEye, as a basis for this strategic bush fire study, indicates the following points regarding bush fire dynamics and potential fire runs at and near the subject land (in accordance with the CR Bushfire document '*Bushfire Peer Review Planning Proposal*')

- There is **potential for fire evolution from the north-east accompanied by spotting ahead of the fire front**, or a more fast-moving fire in the vegetation to the south-east.

- **There is high potential for both long and short fire runs to impact the Lourdes site** which would largely be driven by north/north-westerly or north-easterly winds and a potential southerly wind change.
- **Potential fire activity in the area could be fuelled by spot fires** impacting the landscape immediately surrounding the site.
- **Fire behaviour is likely to be exacerbated by the impacts of climate change, a long term perspective on future fire behaviour is relevant in the assessment of strategic planning proposals.**

If the Lourdes Retirement Village Planning Proposal including its masterplan proposal is approved by the authorities, then this Planning Proposal will set a precedent that sanctions both a population and residential building increase adjacent to the risk-prone bushland-urban interface - much of which is located at top-of-slope topography which is particularly vulnerable to bushfire impacts from both radiant heat and ember attack.

Placement of development at such a location must be considered as contravening the many strategies and on-ground actions that Ku-ring-gai Council and the *Hornsby Ku-ring-gai Bush Fire Management Committee* (of which Ku-ring-gai Council is a significant and valued partner) is continually enacting and working towards.

This Bush Fire Strategic Study has examined whether the proposed dwelling increase at the Lourdes Retirement Village site is appropriate in the bush fire hazard context and details the strategic implications of future development for bush fire mitigation and management. The proposed 2022 Planning Proposal Urban Study master plan has also been evaluated against the approach and findings in the earlier bushfire risk assessment attached to a previous 2018 Planning Proposal for this site (Eco Logical Australia 2010) and the current bushfire justifications attached to the 2022 Planning Proposal (Blackash 2022).

This Study associated with the 2022 Planning Proposal Urban Study master plan area indicates:

- *extensive areas of elevated bushfire risk exist in the broader landscape, with only some lower hazard areas across that landscape;*
- *the elevated risk areas are immediately adjacent to and not well separated from the Planning Proposal site;*
- *the bushfire hazard context on bushlands immediately adjoining the Planning Proposal site are generally moderate to high level with strategic implications for future development, and are not able to be appropriately managed under the Acceptable Solutions within PBP;*
- *small internal bushfire hazards exist within the Planning Proposal site, and these are not well separated from landscape-wide hazards.*

Given the acknowledged high bushfire risk profile of the Lourdes Retirement Village site at a Strategic Level, and the very limited evacuation data and analysis presented in evidence of the Planning Proposal, satisfactory 'unassisted' on-site evacuation has not been demonstrated to be feasible.

Key conclusions of this Study include:

- *The Planning Proposal Urban Study master plan, upon which the proposal's increased development standards are based, fails to comply with the Strategic Planning Principles of PBP 2019.*
- *The Planning Proposal Urban Study master plan triggers the "inappropriate" development exclusion requirements of PBP.*
- *The Acceptable Solution bushfire protection measures within PBP 2019 cannot be met by the future development envisaged in the Planning Proposal Urban Study master plan, and it does not offer opportunities for protection measures beyond the minimum compliance under PBP 2019.*
- *Compliance with PBP 2019 is partially reliant on the intervention/response by emergency services or hazard management on adjoining land (i.e. APZ requirements).*
- *'Unassisted' off-site evacuation has not been demonstrated to be achieved by the Bushfire Assessment reports.*

The findings of this Study demonstrate that this site is not suitable for increased dwellings and populations under PBP 2019. It conclude that the level of residual risk, after inclusion of the bushfire protection measures typically applied under PBP 2019, is inadequate and the Planning Proposal Urban Study master plan does not meet the PBP strategic planning principles and requirements. Specifically, that the aims and objectives, acceptable solutions and performance requirements of PBP pertaining to risk to life and risk to property cannot be met nor exceeded. Further, there is a high reliance on emergency service response/intervention, and an unacceptable reliance on fuel management on adjoining lands to provide the level of bushfire protection and residual risk.

Key recommendations from this Study include:

- Based on the lack of evidence and justification, it is recommended that the current 2022 Planning Proposal seeking outcomes of increased dwellings and population on 95-97 Stanhope Road, Killara be refused.
- The option be given to submit a new planning proposal for the site, with a transparent and thorough bushfire assessment, that delivers the required bushfire risk related evidence and detail demonstrating:
 - compliance with PBP 2019, including elements such as perimeter roads for all new residential buildings that abut bushfire hazard as prescribed by PBP;
 - how any proposed on-site evacuation building will provide additional bushfire protection redundancy
 - including travel paths into the refuge that facilitate safe movement of vulnerable elderly and disabled people across the site's steep terrain, particularly during a power outage; and,
 - how large numbers of vulnerable and high dependency population will be housed for extended periods of time within the refuge, especially without power and medical emergency services to attend any stress-related health episodes whilst in the refuge;
 - off-site evacuation protocols including emergency services demand and relocation destinations, as it is unlikely this population group would endure extended times within a refuge;
 - provision of suitable on site APZ to ensure defensible space for buildings and firefighters - reliance on Council's adjacent heritage bushland and its management as an APZ is not

acceptable as under PBP, recommended APZ dimensions must be provided solely on the subject site.

- Consultation with relevant agencies regarding emergency management requirements and infrastructure provision to improve outcomes on the existing site for its current residents.

In summary, drawing the conclusions together from this strategic bush fire study, the author has presented clear evidence that the proposal (currently sitting at Gateway Stage) will result in unacceptable bushfire risk to both people and property being an inappropriate development for the subject land and the rezoning proposal should be rejected.

1. Introduction

1.1 Background

This Bush Fire Strategic Study (BFSS) has been prepared to assist with the consideration of a new 2022 Planning Proposal and its Urban Study master plan for the Lourdes Retirement Village site, located within the Ku-ring-gai Local Government Area (LGA). The proposal's master plan (Figure 1) primarily proposes medium and high density residential development (74 new dwellings, to 314 total assumed dwellings – including 141 Independent Living Units, 110 care rooms and 63 townhouses), infrastructure and associated open space. This Study provides assessment of the new Plan for the Lourdes Retirement Village Planning Proposal and its Urban Study master plan with regard to the strategic planning principles outlined in *Planning for Bushfire Protection (PBP) 2019* and reflects on previous studies carried out for the former master plan.

In 2018 Ku-ring-gai Council received a Planning Proposal from Stockland to rezone land at 95 - 97 Stanhope Rd, Killara, also known as the Lourdes Retirement Village. This Planning Proposal was initially submitted to Council in 2018. It sought rezoning and increased standards to facilitate significant increase in the number of seniors housing units on the site within apartment blocks.

In 2018 Council refused the proposal due to a number of issues. Bushfire and Bushfire Evacuation risk were a key factor in the refusal.

Following Council's refusal, the applicant applied for a rezoning review with the Sydney North Planning Panel to contest Council's decision. On 7 November 2018 the Sydney North Planning Panel decided in favour of the applicant. This enabled the proposal to be submitted to the Department of Planning and Environment (DPE) for a Gateway Determination. Council declined to take the role of Responsible Planning Authority (RPA) for a revised Planning Proposal due to unanimous opposition to the proposal. The RPA function now sits with the Panel and DPE.

On 10 May 2022 DPE issued a Gateway Determination enabling the exhibition of a revised Planning Proposal. The new proposal continues to enable increased seniors housing in apartment buildings, and also to now locate further general housing on the perimeter of the site adjacent to bushland.

The 2022 revised Planning Proposal for 95-97 Stanhope Street, Killara has not yet commenced public exhibition under the issued Gateway Determination; however, we believe commencement of exhibition is imminent and likely to start in August 2022.

The site is currently zoned R2 Low Density Residential under KLEP 2015.

The Planning Proposal seeks to:

- **rezone the land from R2 (Low Density Residential) to R3 (Medium Density Residential)**
- amend the Floor Space Ratio from 0.3:1 to 0.75:1
- amend the Maximum Building Height from 9.5m (2 storey) to increase heights across the site to range from 9.5m (2 storey) to 22m (6-7 storey)

The proposed amendments to the KLEP 2015 are to enable the owner to lodge a future Development Application for demolition and redevelopment of the site to a greater density involving increased numbers of dwellings to house mainly vulnerable elderly people.

The proposal will more than double the number of residents living on the site, including those with vulnerable lifestyle circumstances within seniors housing, and potential family groups in general housing.

The Planning Proposal's Illustrative master plan indicates enabling the following development:

- High density seniors housing development on the flatter land at the northern portion of the site comprising approximately:
 - 141 independent living units in apartment buildings
 - A new aged care facility with 110 beds
 - 1,400sqm of internal communal space
- Medium density development for the general population at the southern portion of the site comprising approximately 63 town houses.

A draft site specific DCP has also been prepared by the applicant to accompany their planning proposal. This outlines detailed built form controls which would guide future development on the site. The DCP has been modelled on the applicant's Urban Design Study attached to the planning proposal. The adoption of this DCP will overrule Council's DCP requirements and any controls regarding the treatment of the site and its consistency with development across the Ku-ring-gai area.

The current planning proposal documentation, including bushfire reports prepared by Blackash Bushfire Consulting and RFS emails, may be viewed on the DPE planning portal at the below link. DPE's Gateway Determination has requested further information from the applicant. We understand this information has been submitted and being assessed by DPE. It will be placed on the planning portal at exhibition.

<https://pp.planningportal.nsw.gov.au/ppr/pre-exhibition/95-97-stanhope-road-killara-lourdes-retirement-village>

The subject site consists of approximately 5.25 hectares of land located at 95 - 97 Stanhope Road, Killara, and comprises Lot 21 and Lot 22 in Deposited Plan 634645. The site is located on a ridge at the eastern edge of Killara and has frontage to Stanhope Road to the north and bushland to the south and east.

The site has steep topography falling approximately 13m from the northern boundary with Stanhope Road to the southern boundary. It has a distinct bushland character with a band of native vegetation within the front setback to Stanhope Road and scattered landscaping and tree planting across the site.

The site is located within an established low density residential area (single dwellings on large lots) to the north and west of the site, and established bushland to the south and east (Seven Little Australians Park forming part of Garigal National Park). It sits adjacent to a heritage conservation area C22 and adjacent to the *Seven Little Australians Park* Heritage Item.

The site is identified as a "buffer" on the Ku-ring-gai Council Bush Fire Prone Land Map (2017), although surrounded by Category 1 class vegetation (highest bushfire risk) on the southern and eastern boundaries. It is situated at the end of a topographic spur within the Middle Harbour catchment and surrounded on three sides by extensive tracts of bushfire prone lands, the site itself can be considered to be one of extreme risk to bushfire impacts (in terms of both likelihood and consequence).

The site currently operates as a retirement village (Lourdes Retirement Village) comprising 1-3 storey buildings. The uses include independent dwelling units, community uses, and an aged care facility. The complex is currently home to 260 residents in nursing home, semi-detached and detached independent living dwellings.

The land was developed for senior's housing in the early 1980s and has had subsequent additions. The most recent development adding to the number of dwellings on the site was in 2011, completed under the previous SEPP (Housing for Seniors or people with a Disability) 2004.

The site currently houses

-
- Independent living units
 - Serviced apartments
 - Hostel apartments
 - Residential aged care facility
 - Admin centre, café, community centre, pool facilities
 - Croquet lawn, BBQ facilities
 - Prayer chapel

The Planning Proposals, submitted in 2018 and now in 2022, seek to amend the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to enable the intensification of development on the site and to increase and expand the uses on the site.

In 2018, Council appointed Australian Bushfire Protection Planners (ABPP) to assess the 2018 planning proposal bushfire report, by Eco Logical Pty Ltd. ABPP's assessment indicated the high bushfire risks of the site and issues of evacuation.

The current 2022 Planning Proposal attaches a bushfire study prepared by Blackash Bushfire Consulting. This proposes a different bushfire strategy to the 2018 proposal. It puts forward a performance-based approach to increase density on the site and to allow for adequate protection from bushfire impacts.

The Planning Proposal also attaches emails from NSW Rural Fire Service (RFS) advising that it has no objection to the progression of this planning proposal based on the Blackash bushfire study. RFS appear to enable the matter as this is not a Development Application but a Planning Proposal and defers detailed consideration to a later Development Application stage.

Council has concerns about this deferred approach by RFS as any adoption of this Planning Proposal will enable increased densities on the site. This will give future Development Applications sufficient grounds to argue that increased density has been agreed for the site through the Planning Proposal's amendment to the KLEP 2015; and further, pose argument for the achievement of the full site development potential, and hence the placement of increased populations in this bushfire prone area.

The recently released *PBP2019* includes new guidance on Strategic Bush Fire Planning. **The new PBP2019 calls for a Strategic Bush Fire Study (SBFS) at the earliest stages of the master planning process, this would likely include a rezoning application where reliance is placed on the findings of an urban design analysis and masterplan of the site. The SBFS follows the emergency management principles within the NERAG principles of establishing the context, carrying out a risk assessment and then applying risk treatment. The strategic nature of the bush fire study enables an assessment to be made of the overall appropriateness of allowing development within a particular landscape/bush fire risk context, essentially asking the question whether a future community in the proposed location would be resilient to bush fire attack.**

Due to the fact that a SBFS document was not submitted during the planning phase of the planning proposal, Council's Bushfire Technical Officer, Mark Schuster, has developed this study to provide those assessing the proposal with an appreciation of potential bushfire impacts within a landscape context.



Figure 1: 2022 Proposed Master Plan for the Lourdes Retirement Village Proposal

1.2 Aims and Objectives

The aim of this Study is to review the proposed Lourdes Retirement Village Planning Proposal and its Urban Study master plan under the strategic planning requirements of PBP (RFS 2019) as well as in light of previous bushfire risk studies for the locality. The key objectives are to:

- i Undertake a Bush Fire Strategic Study as per the strategic planning principles and assessment considerations outlined in Chapter 4 of PBP; and
- ii Assess the proposed Structure Plan against agreed 'benchmarks' established by previous bush fire risk studies and specifically those identified by stakeholders.

1.3 Legislative Framework

The legislative framework guiding the assessment of bushfire risk and the application of bushfire protection measures at the strategic level are the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Rural Fires Act 1997* (RF Act). Key aspects of these instruments are outlined below.

1.3.1 NSW Environmental Planning and Assessment Act (1979)

The NSW EP&A Act is the principal planning legislation for the state, providing a framework for the overall environmental planning and assessment of development proposals. Various legislation and instruments are integrated with the EP&A Act, including the RF Act.

Section 10.3 of the EP&A Act requires the identification of Bush Fire Prone Land (BFPL) and development of BFPL maps, which act as a trigger for bush fire assessment provisions for strategic planning and development.

When investigating the capability of BFPL to be rezoned, consent authorities must have regard to s.9.1 (2) Direction 4.4 – 'Planning for Bushfire Protection' of the EP&A Act. The objectives of Direction 4.4 are:

- To protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and
- To encourage sound management of bush fire prone areas.

Direction 4.4 instructs the consent authority on bushfire matters to be addressed when drafting LEPs. This includes:

- Consultation with the Commissioner of the NSW Rural Fire Service (RFS), and consider any comments so made;
- Draft LEPs shall have regard to PBP; and
- Compliance with numerous bushfire protection provisions where development is proposed.

Further, there are various provisions within the EP&A Act that may be applicable to proposals on BFPL, including:

- Section 3.29 of the EP&A Act relates to the development of State Environmental Planning Policies (SEPPs) and within these policies, bushfire considerations may apply, for example:
 - Codes SEPP (Exempt and Complying Development Codes)

- Primarily Clause 34 specifies complying development standards that prescribe compliance with PBP and AS3959, with development on BFPL not permitted within BAL-40 and BAL-FZ.
- Seniors Housing SEPP (Housing for Seniors or People with a Disability)
 - Clause 27 of the SEPP requires PBP compliance and RFS consultation for development on BFPL
- Infrastructure SEPP
 - Clause 16 of the SEPP requires RFS consultation for residential or Special Fire Protection Purpose (SFPP) development on BFPL
- Section 4.14 relates to infill and other development
 - Requires that all development on BFPL conforms to the specifications and requirements outlined in PBP (i.e. the specific requirements for residential infill in Chapter 7).
 - The consent authority should be satisfied that the development conforms to PBP, or otherwise consult with the RFS Commissioner.
- Section 4.46 relates to integrated development and triggers the *RF Act* and Clause 44 of the *Rural Fires Regulation 2013*.
 - Applicable to Subdivision, with specific requirements in chapter 5 of PBP;
 - Applicable to SFPP developments, with specific requirements in chapter 6 of PBP;
 - Requires a bush fire safety authority under section 100b of the *RF Act*.
- Section 9.1 relates to strategic or local planning
 - Applicable to land use planning that covers large areas and may include a variety of land uses and longer-term development objectives. Specific requirements are outlined in chapter 4 of PBP.

1.3.2 Rural Fires Act 1997 (RF Act)

The *RF Act* is integrated into the *EP&A Act* and triggered by Section 4.46 as outlined above. The key objectives of the Act are to provide for the:

- prevention, mitigation and suppression of bushfires;
- co-ordination of bush fire fighting and bush fire prevention;
- protection of persons from injury or death, and property from damage, arising from fires;
- protection of infrastructure and environmental, economic, cultural, agricultural and community assets from damage arising from fires; and
- protection of the environment by requiring certain activities have regard to the principles of ecologically sustainable development.

1.4 Assessment Approach

1.4.1 PBP Bush Fire Strategic Planning

A Bush Fire Strategic Study (BFSS) provides the opportunity to assess whether new development is appropriate in the bush fire hazard context. It also provides the ability to assess the strategic implications of future development for bush fire mitigation and management. Section 9.1 (2) of the *EP&A Act* triggers

consideration of PBP for strategic planning. Chapter 4 of PBP (RFS 2019) contains the broad principles and assessment considerations required for strategic planning proposals. The strategic planning principles are:

- **ensuring land is suitable for development in the context of bush fire risk;**
- **ensuring new development on Bush Fire Prone Lands (BFPL) will comply with PBP;**
- **minimising reliance on performance-based solutions;**
- providing adequate infrastructure associated with emergency evacuation and firefighting operations; and
- facilitating appropriate ongoing land management practices.

These principles require consideration of bushfire protection measures for development subsequent to the strategic planning stage, and to consider the suitability of future land uses within the broader bushfire hazard setting and that future land uses can meet the aim and objectives of PBP outlined below:

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives are to:

- i afford buildings and their occupants protection from exposure to a bush fire;*
- ii provide for a defensible space to be located around buildings;*
- iii provide appropriate separation between a hazard and buildings which, in combination with other measures, minimises material ignition;*
- iv ensure that appropriate operational access and egress for emergency service personnel and residents is available;*
- v provide for ongoing management and maintenance of bush fire protection measures; and*
- vi ensure that utility services are adequate to meet the needs of firefighters.*

In addition, Chapter 4 of PBP prescribes that strategic planning should exclude “inappropriate development” in bush fire prone areas, where:

- the development area is exposed to a high bush fire risk and should be avoided;
- the development is likely to be difficult to evacuate during a bush fire due to its siting in the landscape, access limitations, fire history and/or size and scale;
- the development will adversely effect other bush fire protection strategies or place existing development at increased risk;
- the development is within an area of high bush fire risk where density of existing development may cause evacuation issues for both existing and new occupants; and
- the development has environmental constraints to the area which cannot be overcome.

As the Lourdes Retirement Village site is situated on bush fire prone land (see Appendix A) this Study assesses the proposal in the context of the PBP strategic planning principles, exclusion of inappropriate development, and the study requirements and assessment considerations identified in Table 4.2.1 of PBP, summarised in Table 1 below.

Table 1: Summary of requirements for a Bushfire Strategic Study (RFS 2019)

Issue	Bushfire Strategic Study Requirements
Bush fire landscape assessment	A bush fire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.
Land use assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed uses.
Access and egress	A study of the existing and proposed road networks both within and external to the masterplan area and site layout.
Emergency services	An assessment of the future impact of the new development on emergency services provision.
Infrastructure	An assessment of the issues associated with infrastructure provision.
Adjoining land	The impact of new development on adjoining landowners and their ability to undertake bush fire management.

1.4.2 Assessment Framework

Investigation of the suitability for development within the Ingleside South Precinct has involved a complex and large array of bushfire-related issues and concepts. **Prioritisation of first principle bushfire risk considerations is critical.** The following bushfire assessment framework is relevant to guide the Study.

1.4.2.1 Residual risk

All Bush Fire Prone Land poses a bushfire risk. Complete removal of bushfire risk is not appropriate or possible in many instances, nor is it a policy setting under PBP. Determining whether the level of residual risk (i.e. the level of risk after application of bushfire protection measures) is a key factor in the strategic assessment of whether a development proposal is appropriate.

Development can occur with an appropriate level of safety on any Bush Fire Prone Land, provided the risk exposure is appropriately reduced. PBP outlines the measures to achieve bushfire risk reduction generally and establishes the NSW policy setting for appropriate bushfire protection. Experience and research has successfully demonstrated appropriate bushfire protection is feasible within a very wide range of bushfire risk situations. Nevertheless, development on Bush Fire Prone Land always has a residual bushfire risk e.g. from burning debris, regardless of the initial risk level and risk treatments. This Study acknowledges that the outcome of any potential development on BFPL includes a level of residual risk and explores the acceptability of that risk.

1.4.2.2 Risk to life versus risk to property

A lower residual risk is required for the protection of life than that required for the protection of built assets, due to the vulnerability of people exposed to bushfire attack and the pre-eminent value assigned to human life. Assessment of the residual risk has therefore considered life and property risks separately, in the first instance.

1.4.2.3 Life protection and evacuation

An appropriately low residual risk to human life is fundamentally important in bushfire protection. Whilst off-site evacuation potentially offers a safer destination, the risks associated with undertaking an off-site evacuation (travel) pose an additional risk. Also, the logistical challenges of off-site evacuation can be high and should not become an unacceptable burden on emergency services, and in a strategic planning context not adversely impact the demands of the existing emergency service evacuation management.

Early evacuation is the nationally accepted safest means for protection of life and Stakeholders from the previous Studies and in the current Study, required any off-site evacuation to be effective without the assistance of emergency services. Notwithstanding, early unassisted evacuation being a key risk assessment benchmark in the Study; experience and research has demonstrated that it is not fail-safe or always feasible. Research and post incident inquiries have also found that providing evacuees options (and warnings and information) is important to their survival.

Alternatives such as on-site evacuation / refuging are also not fail-safe, but design solutions exist to lower the residual risk to an appropriate level for both on and off-site options and a well-designed combination of the two may achieve the lowest residual risk; even if the on-site evacuation is considered a 'redundancy' in terms of bushfire risk planning.

1.4.2.4 Emergency service response

The acceptability of proposed development should not be reliant on emergency service response / intervention. However, an emergency service response is a legitimate risk lowering consideration, that can be viewed as protection redundancy in a strategic planning context.

1.4.2.5 Adjoining lands

Whilst fuel management (e.g. hazard reduction burning) lowers bushfire risk under most circumstances, during extreme bushfire attack and with increasing time after a burn, the life and property protection benefit is likely to be minimal. As fuel management programs achieving a satisfactory level of risk reduction cannot be guaranteed, they cannot be relied upon for life and property protection design, and certainly not in a strategic planning study.

1.4.3 Evaluation against previous bushfire assessment reports

Given the importance of the preceding bushfire studies and particularly their stakeholder input this Study has adopted the relevant BlackAsh report findings as part of this Study's benchmarks, and Section 8 assesses whether these 'benchmarks' have been met by the proposed master plan. This approach is consistent with comments from emergency services stakeholders in various consultations in late 2020.

1.4.4 Acceptance Criteria

A clear "pass mark" for an acceptable level of residual risk is critical in assessing the appropriateness of a Strategic Planning proposal, however, PBP does not provide a clear "pass mark" for an acceptable level of residual risk or define 'inappropriate' development with measurable criteria. Without this clarity, the potential for errors in assessment increase and it can lead to "expert" opinion-based decisions or actions by proponents, stakeholders and assessors that are difficult to justify or reach agreement on.

Even the 'key criteria for risk acceptability and risk tolerance' used in the previous bushfire risk studies and within PBP 2019 (Chapter 4) rely on general criteria for the exclusion of 'inappropriate development' that are not clear or measurable e.g. a high bushfire risk is not defined and is a relative term that requires a context to be effective.

To respond to these limitations, the over-arching Acceptance Criteria for this Study are that:

- *The aims, objectives and Performance Criteria in PBP for the protection of life and property are not adequately achieved;*
- *The master plan does not comply with the Strategic Planning Principles of PBP 2019;*
- *The "inappropriate" development exclusion requirements of PBP are triggered by the development proposed by the master plan;*
- *The Acceptable Solution bushfire protection measures within PBP cannot be met by the future development envisaged by the master plan;*
- *Compliance with PBP is at least partially reliant on the intervention/response by emergency services or hazard management on adjoining land;*
- *Although the proposed development will not adversely impact the bushfire safety of occupants of nearby existing development, no data has been shown indicating that it is possible to lower the risk; and*
- *An appropriate level of safety has not been adequately demonstrated as possible from 'unassisted' off-site evacuation.*

2. Bushfire Landscape Risk Assessment

The following sections builds on the bushfire risk assessments in the previous bushfire assessments by considering additional risk assessment data in a full landscape context and by specific analysis of all previous and new data specifically applying to the Lourdes site in this respect. Nothing in this Study and analysis fundamentally dismisses the previous Eco Logical (2018) and Blackash (2022) study premises, but with the development footprint to the extent proposed, most, if not all, of the risk assessment outcomes are substantially altered. A fundamentally different bushfire landscape risk is apparent.

2.1 Study Area

The Study Area is comprised of the Subject Site, being the Lourdes Retirement Village complex, located in Ku-ring-gai LGA, in the suburb of Killara, immediately west of Eastern Arterial Road (see Figure 2 below). The Subject Site is adjoined by existing developed areas to the west, and extensive bushland reserves to the north, east and south.



Figure 2: Location of the Subject land at Killara within a landscape context

2.2 Bushfire Hazard

This bushfire hazard assessment has utilised the most recent vegetation community mapping from the Native Vegetation of the Sydney Metropolitan Area (OEH 2016), refined via desktop assessment using current ArborCarbon Imagery (captured 2020). Slope was determined using 2m contour data from Council’s GEOCORTEX Mapping product using data coordinated by Council’s GIS section.

2.2.1 Vegetation

The Subject Site is situated within a bush fire prone landscape with extensive undeveloped areas dominated by remnant sandstone ridgetop woodland and sandstone gully forest, to the north through to the south west with the largest contiguous tracts extending to the east. This contiguous vegetation, extending for many kilometres eastwards towards Middle Harbour and northwards to the Cowan catchment of the Hawkesbury drainage system has supported large bushfires and extensive fire runs – at least in European recorded history.

For assessment purposes, the predominant vegetation class is to be classified in accordance with *Ocean Shores to Desert Dunes* (Keith 2004). Vegetation has been classified into Keith Formations and Keith Class (Keith 2004) and assigned a **potential** total fuel load (tonnes/hectare) using Table A1.12.8 from *Planning for Bushfire Protection* (RFS 2019). Figure 3(below) depicts the vegetation formations, classes and potential fuel loadings.

Table 2: Vegetation formations, classes and fuel allocations for vegetation adjoining the Subject Land

Vegetation formation	NSW OEH classification	Keith Class (PBP 2019)	Overall fuel including bark and canopy (t/ha)*
Forest (wet and dry sclerophyll)	Coastal Sandstone Gully Forest	Northern Hinterlands Wet Sclerophyll Forest (Grassy)	36.1 33.1 (PBP, 2019)
		Northern Hinterlands Wet Sclerophyll Forest (Grassy)	36.1 33.1 (PBP, 2019)
Grassy and Semi-Arid Woodland	Sydney North Exposed Sandstone Woodland	Sydney Coastal Dry Sclerophyll Forest	20.2 27.3 (PBP, 2019)

*Overall fuel load including Bark and Canopy from Table A1.12.8 from Planning for Bushfire Protection (RFS 2019)

It must be noted that the fuel loadings are potential fuel loads (i.e. the maximum t/ha that occurs when fuel accumulation curve reaches its peak). Much of the bushland adjoining the Subject Land is covered in a mix of Sydney Coastal Dry Sclerophyll Forests/Woodlands and Northern Hinterlands Wet Sclerophyll Forests– with potential fuel loadings varying between 20 – 36 tonnes/ha.

Personal observations and monitoring of Overall Fuel Hazard (OFH) ratings at a number of locations within SISPL and the surrounds, rate the OFH in the order of High – Extreme, with many ecological communities currently having fuel loads between 22 – 32 tonnes/ha, supporting the conclusion that in a number of sites adjoining the Subject Land fuel loads have reached and are currently near/at their maximum loading.

2.2.2 Slope

Whilst the slope within the Subject Site generally falls within the PBP slope class of *downslope, 0-5°* *downslope*, further away the landscape contains areas of much steeper slopes, *downslope, 10-15°*

downslope and 15-20° downslope, generally associated with hydrological features and cliff lines, particularly to the east and south (see Figure 3 below).

2.2.3 Hazard Assessment

The classification of vegetation and slope in accordance with PBP criteria, is presented in Figure 3 (below).



Figure 3: Contours, Slope and Vegetation Categories at the Subject Land and Surround (after Blackash, 2022)

2.3 Bushfire Risk Context

2.3.1 Wildfire History and Frequency

Whilst the risk of moderate - high intensity bushfire always exists in the landscape adjoining the Subject Site, fire history records indicate that wildfire impacting the site is relatively infrequent and

especially in recent decades (see Figure 6). The Hornsby Ku-ring-gai Bush Fire Risk Management Plan (BFRMP) estimates that on average there are 40 fires per year in this Bush Fire Risk Management Committee (BFRMC) area, major fires are generally only experienced every 7 to 10 years (Hornsby Ku-ring-gai BFRMC, 2016).

An examination of the wildfire records immediately surrounding the subject land, shows a very low incidence of wildfire with none recorded in 76 years of historical records. However (as shown in Figure 5) a number of wildfires – of varying size and intensity, have occurred in bushland to the northeast of the area from the 1990s, with the most recent wildfire in the 2013-2014 season. Due to the prevalence of wildfires in bushlands to the north of the Subject Land, in Extreme – Catastrophic fire weather, prevailing N-NW winds could cause a fire progression in a path towards and impacting the Subject land.

The wildfire frequency to the north, north-east and east of the subject site suggests a higher risk of wildfire than has eventuated at the Subject Site. Historically, most of these fires to the north and east emanated from longer fire runs in the extensive bushland and varied terrain of Garigal National Park (Middle Harbour) and it appears that this ignition risk from within the National Park may have decreased in recent decades.

At a landscape level the wildfire history data (Figure 5) does indicate past wildfire pathways with wildfire footprints more likely to have been driven by ignition points and wind direction. However, fire scenario modelling (by RedEye, 2022) indicates that although even though there is a lack of recent fire history (records back to 1947), the probability of fire runs potentially impacting the Subject land is likely.

2.3.2 Fire Catchment

An indicative analysis of the potential extent of the fire catchment affecting the Study Area was undertaken (Figures 6-9). This helps to identify the location and size of potential fire attack scenarios and informs assessment of the risk profile of the Study Area and possibly different sectors of the subject land – in terms of bushfire risk. The majority of the Study Area is exposed to a larger fire catchment (longer arrows representing longer fire runs), hence having an elevated bushfire risk, the subject land is only buffered from potential longer fire runs by existing development in the west. The fire catchment analysis does not support recent wildfire history findings – and the Subject land will continue to have a moderate-high risk of landscape-scale wildfire attack.

2.3.2.1 Ignition

Intentional ignition is also a key source of wildfire in the Hornsby Ku-ring-gai BFRMC area (BFRMC 2016), with the Hornsby Ku-ring-gai BFRMC area contributing to the large wildfire catchment present to the north of the Study Area.

2.3.3 Bushfire Weather

The bushfire weather relevant to the Study Area was identified by Generalised Extreme Value (GEV) analysis of long-term historical weather records (ELA 2018). More recent data up to June 2020 was also analysed and yielded similar, but slightly lower results. As such the higher values of the 2018 analysis were adopted in this Study for conservatism.

Bushfire weather is often described in terms of the Forest Fire Danger Index (FFDI) and this metric has a direct influence on the intensity of a bushfire. RedEye Apps ran a number of bushfire Phoenix-based

simulations, with FFDIs varying from 63 to 100+ - indicative of Severe – Catastrophic fire weather conditions for the Sydney basin.

This analysis indicates that there is variation in the potential Likelihood and Consequence of bushfire attack from different directions toward the Subject Site (Figure 6). Areas exposed to bushfire attack at higher FFDI are more likely to be impacted by fire as adverse fire weather will occur more often from those directions and a higher fire intensity is more likely as the weather conditions reach higher FFDI values. Areas exposed to bushfire attack at lower FFDI have a lower (but still significant) risk profile.

The Hornsby Ku-ring-gai BFRMC indicates the bushfire season runs from October to March each year, when north-westerly winds are predominant, along with higher daytime temperatures and low relative humidity. A north-westerly wind driven fire will directly impact the subject land, and the frequent late afternoon wind direction changes (i.e. termed the Southerly Buster) will further accentuate fire run activity from the extensive bushland tracts to the east and south-east.

2.3.4 Fire Intensity

Fire intensity models for the locality and surrounds were prepared by the predictive bushfire modelling agency, RedEye Pty Ltd using Phoenix fire modelling with enhanced spotting and wind-channelling modules (September 2022). The models provide an indication of the potential head fire intensity from the direction of attack for the scenario's being modelled. Bushfire intensity is a significant determinant of risk to life and property and the controllability of bushfires and therefore important in the consideration of the bushfire risk context. A number of modelling scenarios from RedEye (September 2022 scenarios) were considered in their predictive fire modelling, including the 'typical' fire run from the northerly direction:

- Bushfire attack from the north to north-east direction (clockwise) at FFDI 63 (see in Figures 8 & 9)

The eastern and south-eastern boundary area of the Subject Land is impacted most intensely by higher fireline intensities (see Figure 10) – due to the upslope runs and the significant continuity of bushland (hazard) to the north-east and east. The southern boundary is not indicated as having such a high fire activity – possibly due to the southerly (moister) aspect and moister vegetation types.



Figure 4: Illustrating general topography surrounding the Subject Land (includes building footprints)



Figure 5: Wildfire history within the wider Study Area and surrounds from 1947 onward (location of subject land displayed with white polygon in centre right of the image)



Figure 6: Showing typical wind directions during fire season (October – March)

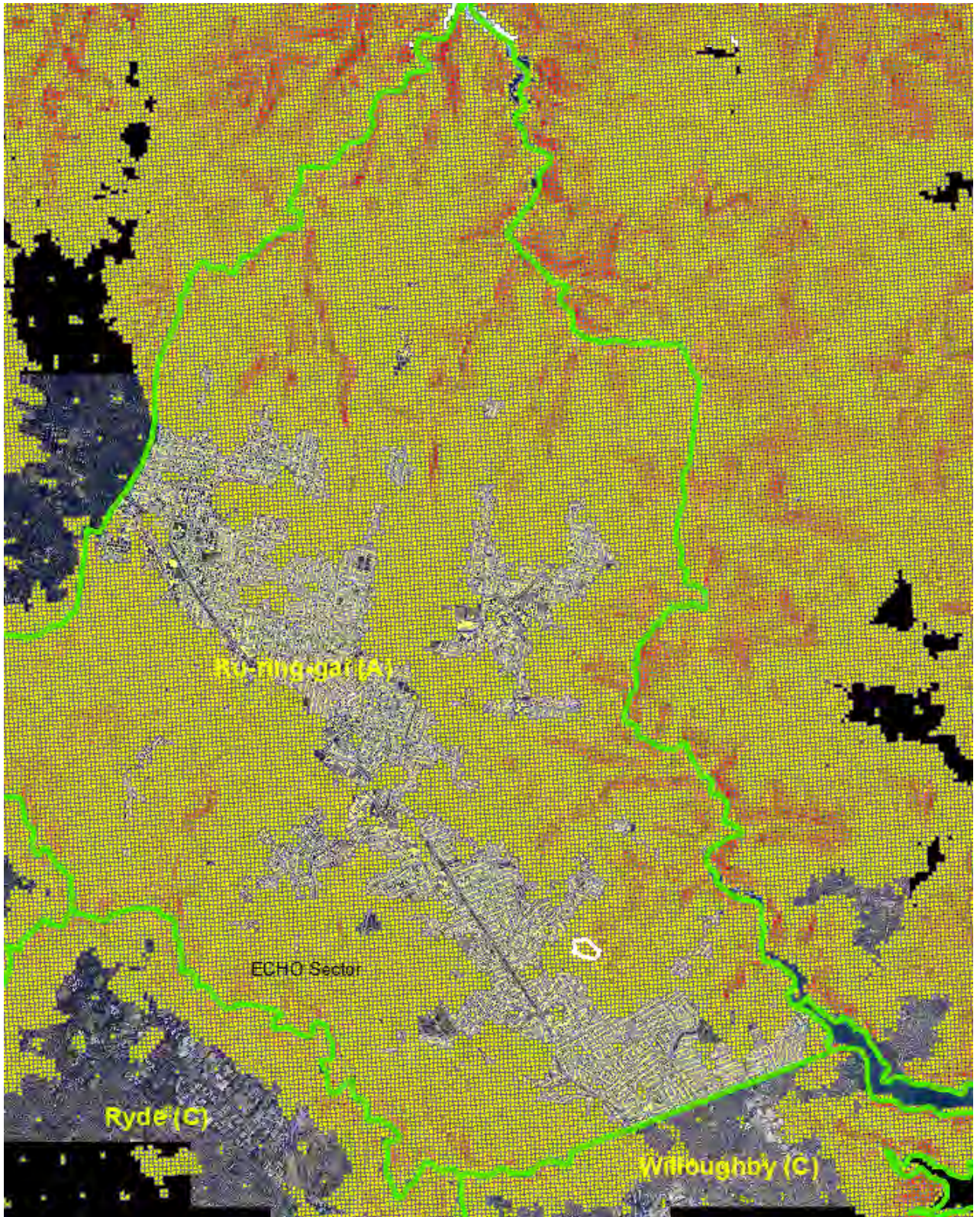


Figure 7: Modelled Fire Intensity (north to south east wind, FDI 63+)

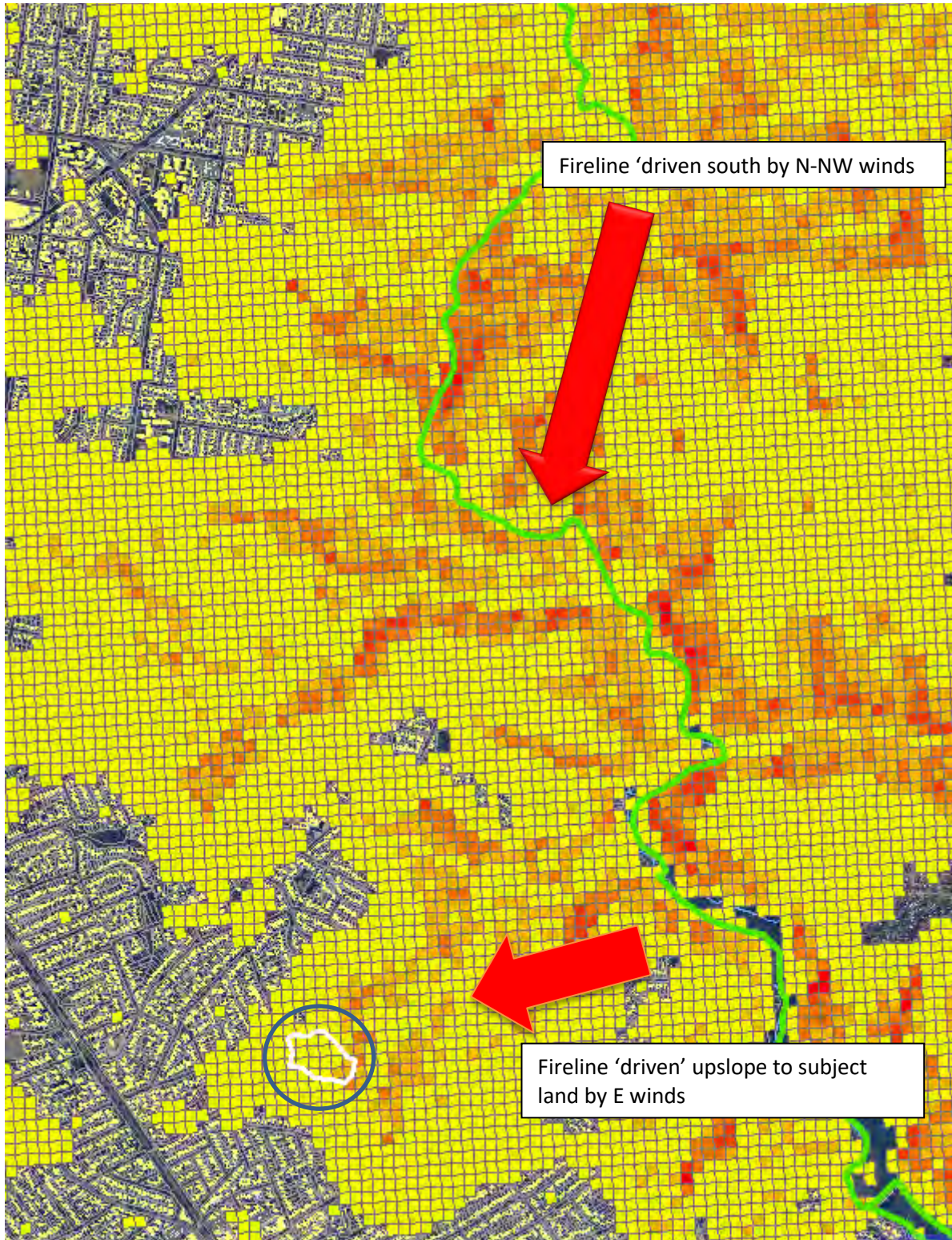


Figure 8: Modelled Fire Intensity (fire runs from northerly wind, FDI 63+)

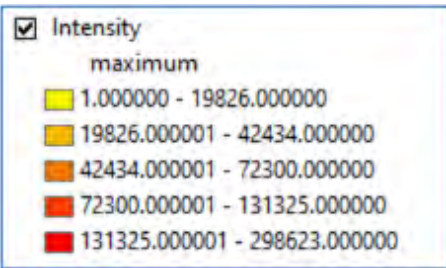
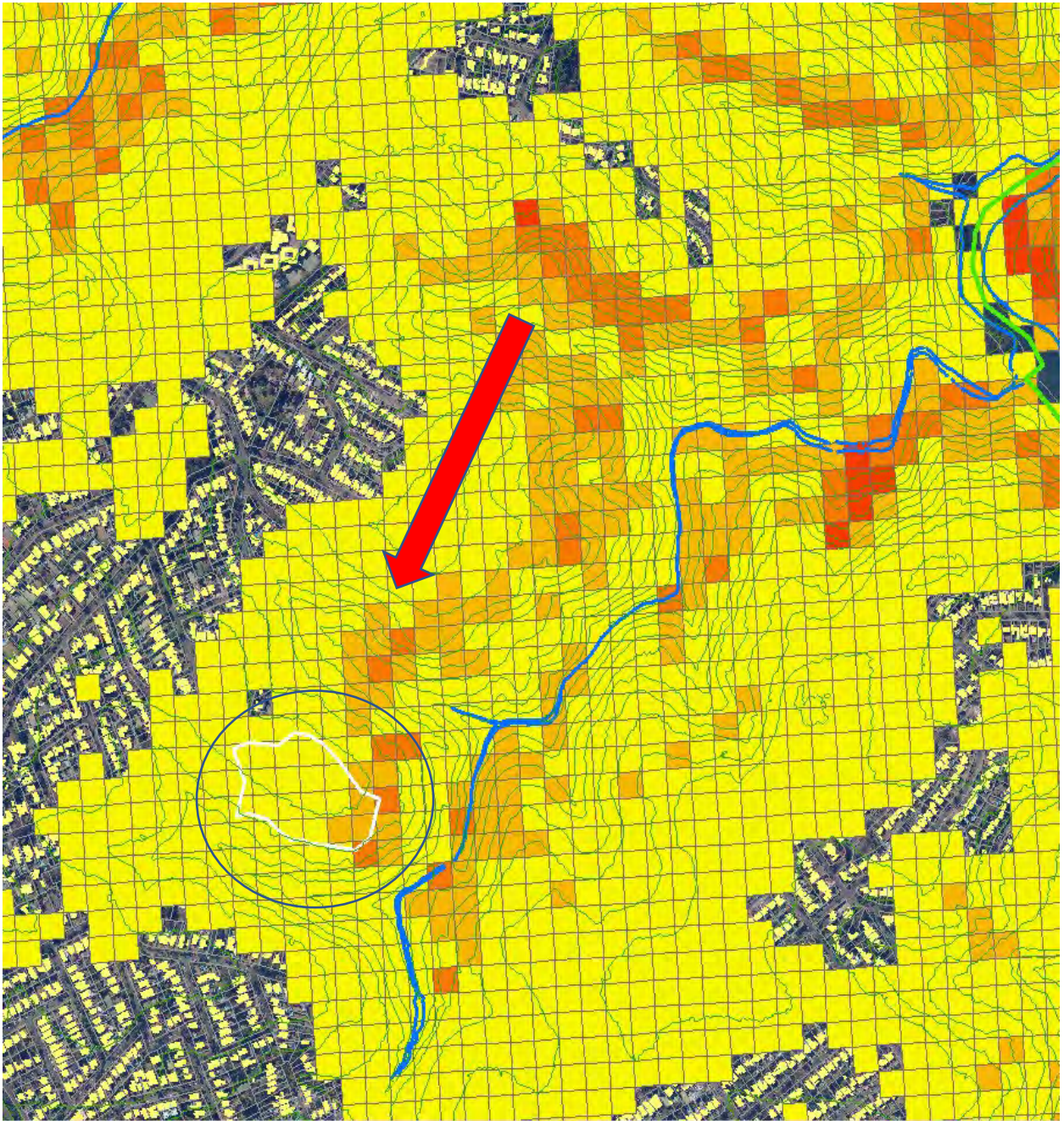


Figure 9: Further (detailed) Fire Intensity impacts to Subject Site (northerly wind, FDI 63+)

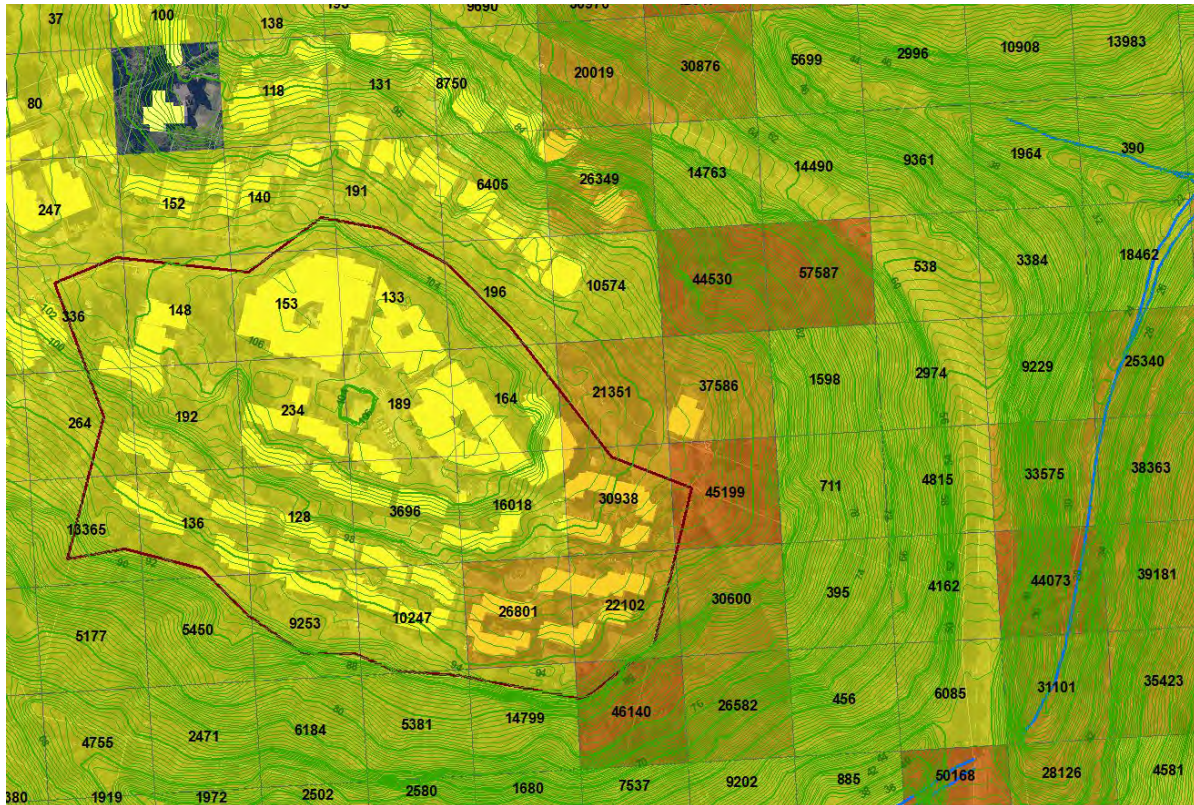


Figure 10: Depicting Fireline Intensity calculations (PHOENIX Rapidfire (no mitigation) scenario from RedEye, 2022 - showing the eastern and northeast sectors of the Subject Land having highest fire intensity impacts.

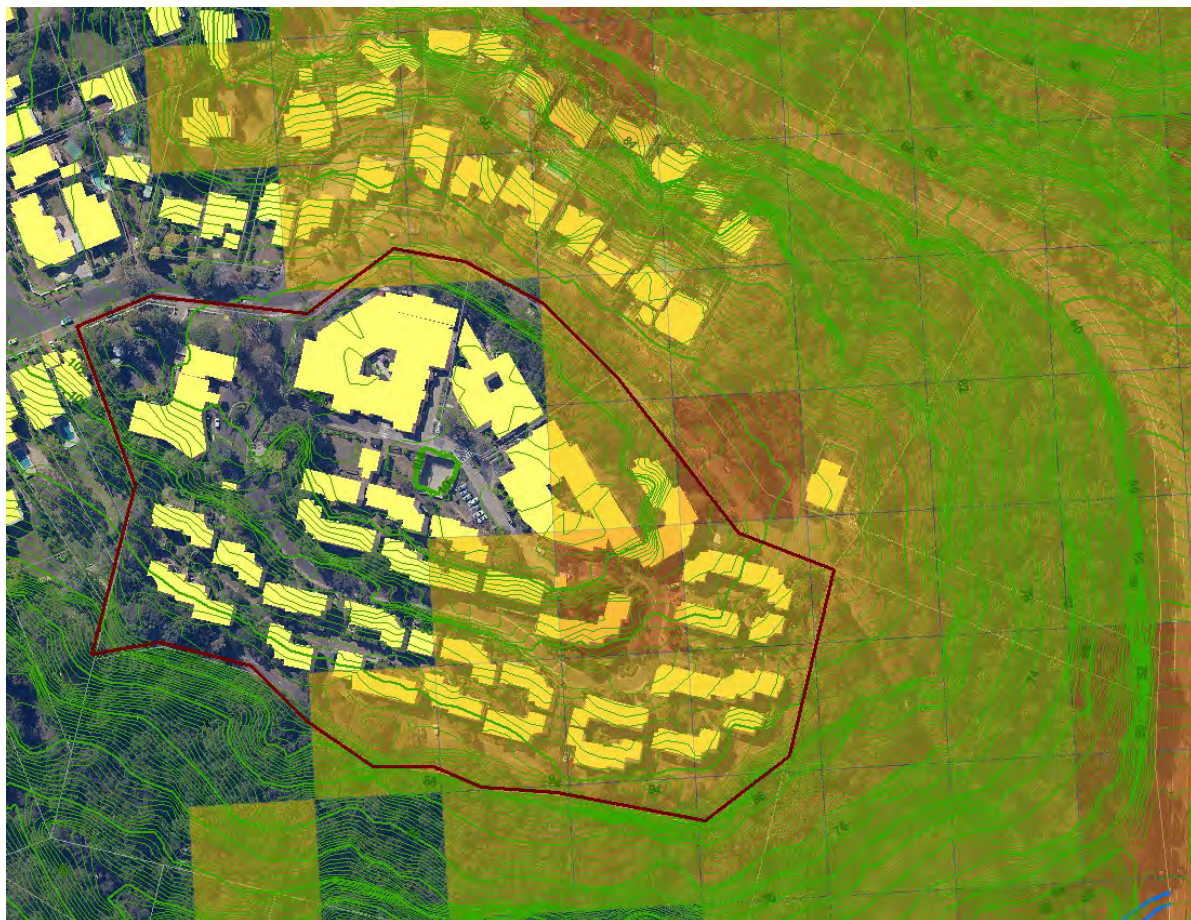


Figure 11: Relative 'ember density' map of the Subject land (RedEye PHOENIX analysis) – depicting highest ember density at the northeast sector and high ember attack in the eastern portion of the site.

2.4 Summary of Landscape Bushfire Risk Assessment

The landscape bushfire risk analysis indicates the potential for bushfire attack of the Lourdes Retirement Village proposal site is only partially mitigated by a variety of landscape features. Most notable in terms of risk is the topographic 'exposure' (i.e. ridge-top) of the Subject Land from north to north-easterly approaching wildfires - fires from these directions are most likely to be higher intensity, occur more often and have the greatest impact on life and property. The risk from the south is partially lowered because of the sheltering effects of a southerly (moister) aspect. However, in terms of fire behaviour, the frequent summer 'southerly buster' winds could redirect the attack of a NW-N driven fire-front into a direct frontal attack on the southern aspect of the Subject land.

The remaining directions of landscape bushfire risk on the western and south-west sectors of the site are not considered "high bushfire risk" as they have lesser exposure to the highest FFDI driven wildfires, and even when Generalised Extreme Value (GEV) FFDI figures from the north – south-east weather data analysis are considered the associated risk is well below that upon which PBP 2019 'benchmark protection measures' for the locality are based i.e. FFDI 100.

The western side of the site is not only exposed to lower FFDI, but the fire catchment is relatively small, meaning the likelihood of wildfire and the likelihood of higher intensity fire is reduced. The wildfire history records support this lowered risk and shows no fire front in 76 years having been recorded as impacting this interface of the Precinct (i.e. a fire front driven to this interface by winds from the north-east to southeast).

Although there are no known barriers to fire suppression on the Subject Land, aided by existing development having fragmented the landscape-wide continuity of fuels, the modelled scenarios indicating Fire Intensity levels between 21,351 – 45,199 kw/m sq (see Figure 10) – particularly along the NE, E and SE perimeter, mean that on-ground suppression by fire crews may be unachievable and certainly hazardous to firefighter safety. In addition, nearby vegetation and terrain have the potential to carry high intensity fires these fires that are considered likely to be beyond the levels upon which the bushfire protection measures within PBP are founded.

In addition, potential ember attack from bushfire activity has been modelled by RedEye in its PHOENIX simulations (see Figure 11), indicating highest ember densities in the eastern sector of the Subject land – particularly at the north-eastern interface area.

The alignment of the highest potential risk – from BOTH radiant heat and ember attack in the NE, E and SE sectors of the Subject land indicates that bushfire protection measures are not in accordance with PBP 2019 requirements, which due to residual risk are a necessity within the Subject land and for consideration in this Planning Proposal and its Urban Study master plan of the Lourdes Retirement village.

The overall conclusion of the landscape bushfire risk analysis strongly suggests the proposed Lourdes Retirement Village Proposal site should be excluded as inappropriate development under the Strategic Planning Principles or exclusion criteria within PBP.

3. Land Use Assessment

The EP&A Act and the RF Act are the primary legislative instruments relevant to bushfire planning for the site. PBP is called up by these Acts as the Subject Site is mapped as Bush Fire Prone Land, and it is a primary tool for assessing the bush fire risk appropriateness of future development under the Structure Plan.

Chapter 4 of PBP outlines broad principles and assessment considerations for strategic planning. It also specifies that bushfire protection measures need to be considered at the strategic planning stage to ensure that the future development complies with PBP (under PBP Chapters 5-8).

The feasibility of the Planning Proposal to comply with the bushfire protection measures identified within PBP is a fundamental consideration of the Study. Whilst bushfire protection measures and their performance requirements are a benchmark for approval of a development, a strategic level study needs also to evaluate these measures within the landscape risk context. This Study has therefore considered the:

- Bushfire landscape (see previous Section);
- Pattern and potential bushfire resilience of the bushland interface;
- Potential cumulative risk associated with the bushfire protection measures;
- Risk profile of different areas and their appropriate land use; and
- Potential for application of innovative or emerging bushfire protection measures.

The following land use risk profile has been identified in the Study:

- The eastern sector of the Subject land proposed for development is deemed inappropriate from the landscape bushfire risk assessment;
- Special Fire Protection Purpose (SFPP) development, as required, is not currently located beyond the minimum APZ requirements of *PBP 2019*;
- Multiple access and egress points and perimeter roads are feasible within the developable area and there is scope to finalise these through design iterations, although there is only a single (external) road for off-site evacuation needs;
- Complementary and consistent risk management through landscape controls and building design is feasible;
- Development can be proposed in lower risk locations, although not depicted in the current site Master Plan; and
- There is only limited opportunity within the Subject Site to provide APZ and other bushfire protection measures to meet the Acceptable Solutions within PBP and to improve the current risk associated with older housing stock and bushfire protection measures at the hazard interfaces;

3.1 Feasibility of Asset Protection Zones

Based on the landscape assessment of vegetation and slope an assessment of the feasibility of APZs that are compliant with the Acceptable Solutions in PBP cannot occur due to spatial restrictions with the Subject Land (i.e. the required APZ widths cannot be adequately placed within the current master plan layout). The APZ dimensions listed in Table 3 are the minimum required APZs under the PBP Acceptable Solutions for residential development (i.e. 29 kW/m²) and SFPP development (i.e. 10 kW/m²). **Figure 12 shows that for both these development types the PBP required APZ needs under PBP2019 (both the**

SFPP required 10kW/m² benchmark and for residential infill the 29kW/m² radiant heat level) cannot be comfortably achieved.

The following considerations and assumptions are made in relation to the mapped APZs:

- Vegetation formation in the assessment is based on OEH mapping, updated via desktop assessment;
- Vegetation assessment has assessed the potential future vegetation hazard following any revegetation of environmental conservation or management zones;
- Site assessment may reveal slopes that are slightly (but not significantly) different to those used to plot the APZ;
- All APZs are assumed to be on land less than 18 degrees;
- Additional APZ and/or modification of the APZ in Figure 13 may be required if revegetation occurs beyond the vegetation hazard used to identify the APZ;

In addition to the non-compliance with provision of APZs, the overall conclusion of the land-use assessment strongly suggests the proposed Lourdes Retirement Village Planning Proposal master plan should be excluded as inappropriate development under the Strategic Planning Principles or exclusion criteria within PBP.

Table 3: PBP required Residential and SFPP APZs for varying slopes and vegetation classes

Vegetation Formation	Slope Class	Residential APZ (BAL-29) ¹	Special Fire Protection Purpose (SFPP) 10 kW/m ² APZ ²
Forest	Upslope/Flat	24 m	67 m
	0-5° downslope	29 m	79 m
	5-10° downslope	36 m	93 m
	10-15° downslope	45 m	100 m
	15-20° downslope	56 m	100 m
Tall Heath	Upslope/Flat	16 m	50 m
	0-5° downslope	18 m	56 m
	5-10° downslope	20 m	61 m
	10-15° downslope	22 m	67 m
	15-20° downslope	25 m	72 m
Woodland	Upslope/Flat	12 m	42 m
	0-5° downslope	16 m	50 m
	5-10° downslope	20 m	60 m
	10-15° downslope	25 m	72 m
	15-20° downslope	32 m	85 m
Low Hazard (Rainforest)	Upslope/Flat	11 m	38 m
	0-5° downslope	14 m	47 m
	5-10° downslope	18 m	57 m
	10-15° downslope	23 m	69 m
	15-20° downslope	30 m	81 m

¹ TABLE A1.12.2 FROM PBP 2019, ² TABLE A1.12.1 FROM PBP



Legend

Veg **NPWS Reserves** **Roads** **Hydrography - lines** **Contours (2m)**
Forest []

Map Printed from FireMaps on Thu Sep 08 11:26:17 AEST 2022

Figure 12: Asset Protection Zone Feasibility Assessment (after CR Bushfire Summary Assessment, 2022)

4. Access and egress

Access to and egress from the Subject Site, is limited and only via Stanhope Road which runs west into the suburb of Killara. There are a range of existing internal and proposed roads, which provide various connections to this main access and egress route (Figure 13 below).

Perimeter roads are critical for separating developed areas from bushfire hazards, and in so doing provide a higher quality of hazard separation for buildings, bushfire control lines for firefighters, and safe access and egress during a bushfire event. All new development, for residential subdivisions of three or more allotments that abut bushfire hazard (as in this case), should provide perimeter roads. It is noted that there are some existing allotments within the Precinct, that aren't currently afforded perimeter roads. If these allotments are subject to future development of this nature, perimeter access meeting the requirements of PBP (and preferably perimeter roads) will likely be required.

An assessment of the master plan layout (Figure 1) indicates that where potential new roads (and specifically perimeter roads) are proposed, these roads can meet the Acceptable Solutions for residential subdivisions within Table 5.3b of PBP (see Table 11 Appendix B).

4.1 Evacuation

The safety of emergency responders and people within the Precinct exposed to bushfire attack is paramount. During the November 2020 consultation meetings, Emergency Service Stakeholders clearly indicated that any additional development associated with the Planning Proposal must not rely on emergency service assistance during evacuation.

However, every bushfire attack scenario is different, and designing for bushfire safety necessitates the provision of different options. If large landscape scale bushfire attack threatens the area, the evacuation analysis documents that offsite evacuation capacity is provided by Stanhope Road. However, little data or evidence is presented to support the logistics of such an evacuation operation. This level of evacuation capacity is not consistent with the Strategic Planning requirements and does not meet the Acceptable Solutions of PBP.

However, an evacuation assessment is considered incomplete unless it also considers the potential effects of the Proposal on those who chose to stay and defend or do not evacuate early; particularly given research (Whittaker *et al.* 2013, Strahan *et al.* 2018, Whittaker 2018, Whittaker 2019) and experience clearly shows that 100% early voluntary evacuation never occurs.

The Study has only partially examined in any detail the viability of the three bushfire evacuation options and whether the Proposal is likely to exacerbate the risks associated with these options:

- a. Early off-site evacuation (evaluated above);
- b. Community refuges; and
- c. In-situ sheltering (including a decision to stay and defend).

4.1.1.1 Community refuges

While community refuges are currently not formally recognised or encouraged in the planning of new development in PBP; bushfire evacuation patterns (Whittaker *et al.* 2013, Strahan *et al.* 2018, Whittaker 2018, Whittaker 2019) suggest these should be part of best-practice strategic planning consideration as they add options when early evacuation is not feasible (e.g. rapid on-set bushfires)

and potentially increase community safety and resilience in a broader range of bushfire attack scenarios. For these reasons, community refuges are encouraged within the Structure Plan as a bushfire protection design ‘redundancy’ i.e. a useful, but non-essential element that increases bushfire safety.

The provision of areas or the dedication of sites within the Precinct suitable for the establishment of an Evacuation building will increase the bushfire resilience of the community. Community refuge options such as an Evacuation Centre, Community Fire Refuge (as in Victoria) or Neighbourhood Safer Place (NSPs) – the standard locally and in NSW - require comprehensive design. The following documents offer some guidance on these approaches:

- RFS Bushfire Coordinating Committee Policy No. 1/2012 Community Safety and Coordinated Evacuations; and the
- State Emergency Management Plan Evacuation Management Guidelines, March 2014
- *Neighbourhood Safer Places guidelines for the identification and inspection of neighbourhood safer places in NSW* (RFS, 2017). NSPs can be provided as Open Space or Building NSPs and must be sighted to have a radiant heat exposure of less than 2 kW/m² and 10 kW/m² respectively;
 - Australian Standard AS 3745:2010 Planning for emergencies in facilities; and
- Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities

All three refuge types are acknowledged in the RFS NSP guideline document, but no standards have been established for Evacuation Centres and Community Refuges in NSW. Victoria is the only jurisdiction with a standard for Community Refuges and has already established four Community Refuges in higher bushfire-risk locations. Whilst Evacuation Centres and Community Refuges have not yet been approved

in NSW, and processes/standards for these not yet developed, there are compelling reasons for them after the Black Summer bushfire experience.

Evacuation Centres offer a potentially valuable means of increasing the bushfire resilience of any new community. Importantly, they require engagement and support of emergency services agencies, typically through the District Bushfire Management Committee and the Local Emergency Management Committee (LEMC). Whilst these Committees normally focus on operational and not planning or development design matters; preliminary discussions with such groups elsewhere in NSW have shown support for the concept of strategically located and designed Evacuation Centres. To be financially viable and of greater value to the community, an Evacuation Centre would need to be multi-purpose e.g. a community centre. Substantial evidence would need to be gathered to justify the survivability and functionality of an onsite Evacuation Centre, but where viable these Centres may lower evacuation risks and increase community bushfire resilience.

Neighbourhood Safer Places (NSP) are an option that are suitable as a “refuge of last resort” and, unlike evacuation Centres, do not rely on welfare agencies (under the LEMC) to operate the facility in a bushfire emergency. There are importance differences between an Evacuation Centres, Neighbourhood Safer Places (NSP) and Community Fire Refuges. A NSP is considered a refuge of last resort and defined as:

“a building or a space within the community that has been designated as such by the Commissioner of the Rural Fire Service. It provides for improved protection of human life during the onset and passage of a bush fire. It is a location where people facing an immediate threat to their personal

safety or property can gather and seek shelter from the impact of a bush fire.”

Historically, NSP have been applied to existing communities, but in a Condition of Consent issued by the Independent Planning Commission was applied to a new subdivision in 2020; a precedent that encourages this level of forward thinking and design for new communities on Bush Fire Prone Land.

The Blackash Bushfire Assessment Study identified potential locations where the minimum radiant heat for a NSP building exist and the NSP guidelines (RFS, 2017) for the selection of NSP sites can be met. In their Bushfire Assessment Report, Blackash stated:

From the built form perspective, the unique layout and construction of the site will provide for radiant heat shielding and an integrated underground network of pedestrian accessways leading to the basement carpark and into the refuge building. This underground network and radiant heat shielding enables all residents to move safely to the onsite refuge.

The Bush Fire Emergency Management and Evacuation Plan will be designed to complement the built form. It will be designed so that the occupation of the site is managed to ensure residents aren't adversely exposed to bushfire events. This will include triggers for moving residents into the refuge area or off-site as appropriate on days of bad fire weather or if bushfires are expected to impact the site.

The addition of an Evacuation Building to the Precinct offers the potential to enhance the safety of the existing community.

4.1.1.2 In-situ sheltering

Research has shown that not all people in recent bushfires evacuate early and some chose to stay and defend (Whittaker *et al.* 2013, Strahan *et al.* 2018, Whittaker 2018, Whittaker 2019). If 'stay and defend' practices were to occur relatively safely among existing residents a significant improvement in their bushfire protection measures would likely be required (e.g. APZ and building construction improvements). The introduction of newer buildings to the site and particularly in areas between older housing stock and the hazard offers significant opportunity to provide a more bushfire resilient community and urban bushland interface. This is possible because all new development requires bushfire resilient infrastructure and all new buildings are constructed to contemporary (i.e. AS3959-2019) bushfire standards.

The master plan currently lacks the intent to site the most appropriate and resilient buildings and uses in situations that meet contemporary design standards under PBP but also lower the bushfire risk in the existing community. A further improvement in bushfire resilience can also be enhanced by controls over landscaping and building envelopes.

4.1.2 Access and egress findings

A preliminary assessment of the Access and Egress or evacuation issues and requirements suggests that further assessment and either Acceptable or Performance-based solutions are required. Until fully documented the proposal should be excluded as inappropriate development under the Strategic Planning Principles or exclusion criteria within PBP.

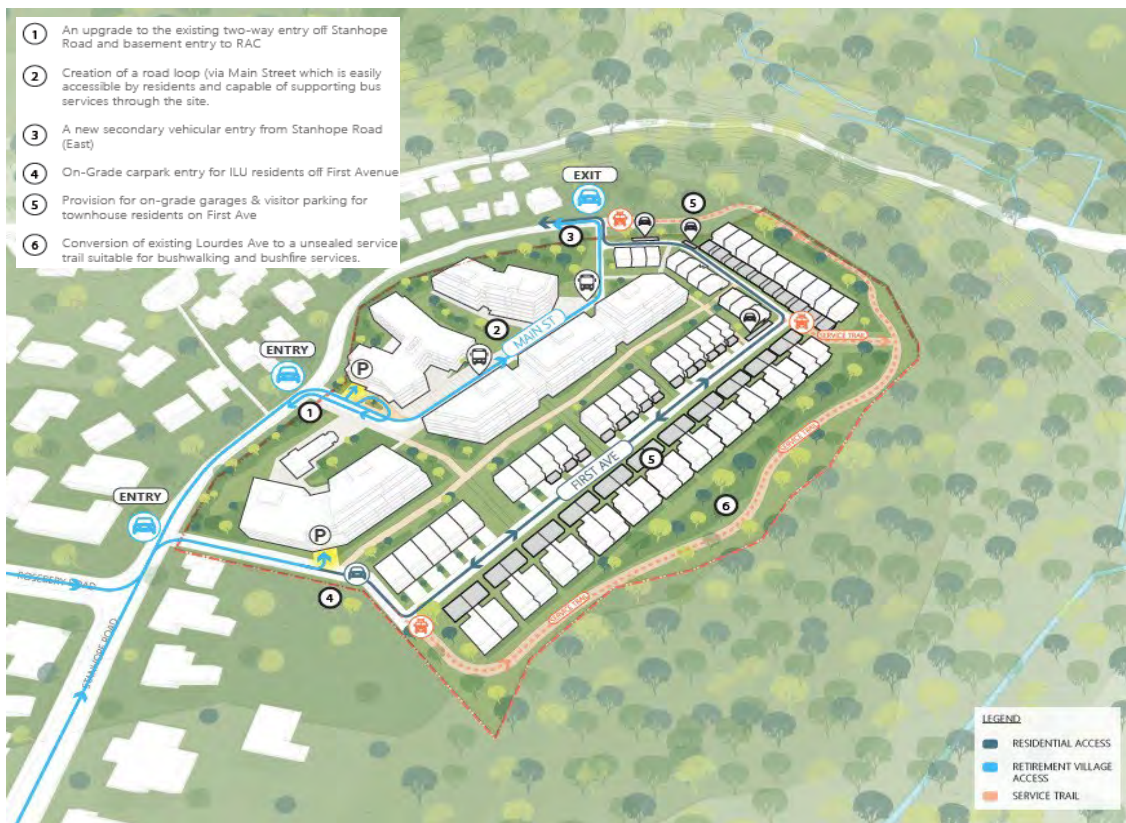


Figure 13: Existing and Proposed Road Network

5. Emergency Services

The Study has considered strategic emergency management planning.

The proposed master plan (Figure 1) shows a consolidation of the existing development footprint at the Subject site. This consolidation and increased development density, especially around the perimeter of the site, has the potential to alter the dynamics of the potential penetration of bushfire into the existing developed area. **A more ‘bushfire resilient perimeter’ of buildings around the site will also reduce the risk of house to house (and garden to garden) spread of fire if all new dwellings will have PBP compliant APZ and buildings.**

But of most importance for emergency service responders is the provision of perimeter roads from which to fight fires and defend properties. New development for the Site, as proposed by the master plan, can achieve these improvements, to an extent that is impossible for the existing community through piecemeal replacement of individual buildings over time.

As the master plan proposes the addition of 74 new dwellings, there is an increased demand on emergency services for routine fire and bushfire related services. There are fire and emergency response agencies within proximity, which include:

- Ku-ring-gai RFS Brigade (located approx. 4.5km north);
- Gordon Fire & Rescue (2 km north);
- Willoughby Fire & Rescue (4 km south);

- Proposed east Killara RFS Brigade (1km east)

Given the increase in the number of dwellings on Bush Fire Prone Land an improvement to the capacity of the existing RFS brigade at Ku-ring-gai is desirable and has been expressed by the RFS at Stakeholder meetings. An improvement in the capacity of the Ku-ring-gai brigade and relocation to East Killara is now progressing with specific and detailed design discussions, and this Study suggests that the provision of the new Brigade Station in East Killara (Koola Park) would be an appropriate level of contribution to an increase in the capacity/performance of the Ku-ring-gai RFS Brigade.

Additional NSW Fire and Rescue resources stationed at Gordon and Willoughby would also attend any fire related emergency, located approximately 2 km north-west and 4km south-east, respectively.

There is no part of the assessment of the future impact of new development on Emergency Services that suggests the proposed development should be excluded as inappropriate development under the Strategic Planning Principles or exclusion criteria within PBP. However, further discussions are required with emergency services stakeholders to finalise an appropriate response to the increase in demand for bushfire related emergency services.

6. Infrastructure

6.1 Water

An adequate water supply that meets the requirements of PBP must be afforded future development. There has been no evidence found in the Study that the water requirements within PBP cannot be met by the Structure Plan which will include a reticulated system potentially augmented by static water supplies (SWS) where appropriate. Two large (capacity unknown – however exceeding 500kl) water reservoirs, with associated pumping infrastructure, are located onsite.

It is feasible within the subject land for the location, number and sizing of hydrants to be determined using fire engineering principles and it is assumed compliance with AS 2419.1 – 2005 is also feasible. A test report of the water pressures anticipated by the relevant water supply authority will be required by the RFS. Fire hydrants should not be located within any road carriageway and all above ground water service are to be metal.

6.2 Electricity and gas

The future electricity supply to the new parts of the Precinct will be underground and compliant with PBP. It is also assumed that where any existing or future electrical transmission lines are above ground, it is feasible for no part of a tree is to be closer than 0.5 m to powerline conductors.

It is assumed by the Study that reticulated or bottled gas can be installed and maintained in accordance with Australian Standard AS/NZS 1596 'The storage and handling of LP Gas' (Standards Australia 2014) and the requirements of relevant authorities is feasible. Metal piping must be used in all above ground gas services.

There is no part of the assessment of the future impact of new development on electricity and gas supplies that suggests the proposed Lourdes Retirement Village Planning Proposal and its Urban Study master plan should be excluded as inappropriate development under the Strategic Planning Principles or exclusion criteria within PBP. However, further discussions, at the DA stage, are required with

supply authorities to confirm the requirements of PBP can be met.

7. Adjoining land

This Study has demonstrated that currently inadequate bushfire protection measures afforded to the development proposed by the master plan for the Lourdes Retirement Village site, such that the land management of adjoining lands will be adversely impacted (e.g. through prescribed burning or other fire management measures). The current master plan does not meet the criteria: **‘All new development will be designed to meet the standards of PBP which achieve an appropriate level of bushfire resilience without any reliance on fuel reduction measures on adjoining lands’**.

The assessment of the bushfire related impacts from/on adjoining land, landowners and managers suggests the proposed Lourdes Retirement Village site should be excluded as inappropriate development under the Strategic Planning Principles or exclusion criteria within PBP.

8. Evaluation of Suitability

8.1 Assessment against PBP Bushfire Strategic Planning Requirements

This Section evaluates the master plan for the Lourdes Retirement Village Planning Proposal, against the bush fire strategic planning requirements of PBP (detailed in Section 1.4.1) based upon the assessment findings in the preceding sections of this Study to determine whether:

- the Structure Plan poses an unacceptable risk or provides for inappropriate development;
- the Structure Plan does not adequately respond to the bushfire threat, appropriate to the current stage of planning;
- adequate bushfire protection measures cannot be provided to reduce the residual risk to an appropriate level.

The evaluation is based upon PBP Chapter 4 and stakeholder advice collated within the Blackash Bushfire Assessment (2022) report and the Assessment Framework of this Study (Section 1.4.2) and is summarised in Table 7, Table 8 and Table 9. In addition to evaluating the Proposal against these matters, the evaluation specifically considers:

- Residual risk - the level of residual risk after the application of bushfire protection measures is a key determinant in the strategic assessment of whether proposed development is appropriate;
- Risk to life - an appropriately low residual risk to human life is fundamental;
- Risk to property – the residual risk to property should meet the Acceptable Solutions within PBP;
- Emergency service response - the acceptability of proposed development should not be reliant on emergency service response / intervention;
- Adjoining lands – the proposed development should not be reliant on fuel management on adjoining lands or effect those landowners ability to undertake such works.

Table 4: Evaluation of the Development Proposal against the Strategic Planning Principles of PBP (RFS 2019)

PBP Strategic Planning Principle	Evaluation	Compliance
Ensuring land is suitable for development in the context of bush fire risk	<p>The risk profile of the Lourdes Retirement Village locality is not uniform. The Blackash Report (2022) presented a Bushfire Risk Assessment for the subject land and identified that there are areas with elevated bushfire risk. Recent, additional fire scenario modelling (from RedEye, 2022) indicates a higher fireline intensity (i.e. higher) risk on the northeast and eastern sector of the Subject Land. Section 2 and Section 3 of this Study evaluates the specific bushfire risk of the subject land. Key findings include:</p> <ul style="list-style-type: none"> • There are areas of elevated bushfire risk beyond the Lourdes Retirement Village locality that are generally associated with: <ul style="list-style-type: none"> ○ wooded vegetation (i.e. sandstone ridgetop and gully forest) on or near steeper slopes; ○ connectivity to a larger fire catchment, which exist to the north, east and south-east – allowing for both long and short fire-runs; ○ exposure to the most problematic directions of bushfire attack (i.e. the north through to the southern sector based on FFDI bushfire weather analysis); and ○ areas where there is the potential exposure to larger fire fronts or extensive fire footprints, which typically exacerbate the risk. The fire history data indicates that the north to westerly sector are the areas with the greatest potential of landscape fire attack. • The areas of elevated bushfire risk in the broader locality are contiguous and not well separated from the Subject Land; • The bushfire hazards within the Subject Land are generally: <ul style="list-style-type: none"> ○ Not disconnected from bushfire hazard outside the Precinct; and ○ Low – Moderate hazard vegetation (i.e. narrow areas set aside for aesthetic (native garden) vegetation). <p>This Study has identified that the footprint proposed for future development is not confined to the lower risk portions of the Subject Land, and that these sectors have a bushfire risk context that does not support their suitability for development, considering:</p> <ul style="list-style-type: none"> • No removal of proposed development from locations with elevated bushfire risk that should be used for APZs; • Proposed development areas are not significantly separated from locations with elevated bushfire risk, with minimal separation provided by managed lands, fuel reduced areas and/or low hazard vegetation. This lack of separation, but especially in the primary risk directions of the north through to the south-east, may lead to on-site bushfire impacts (particularly as the site is very close to upper slope ridge topography) ; 	Not Compliant

PBP Strategic Planning Principle	Evaluation	Compliance
	<ul style="list-style-type: none"> Clustering of development in lower risk settings (i.e. western and northern sector of the Subject land, with lower residual risk) and not adjoining areas of significant bushfire hazard, has not been factored into the proposal; Questionable ability of ‘unassisted evacuation’; The size and location of proposed land uses (and development footprint) does not permit the application of bushfire protection measures that meet or can exceed the Acceptable Solutions of PBP, thus not allowing the level of residual risk to be reduced to an acceptable level. 	
ensuring new development on BFPL will comply with PBP	The Master Plan proposes land uses of a type, size or location that comply with PBP and this can be effectively managed in future development designs, at subsequent stages in the planning and development process.	Not Comp
minimising reliance on performance-based solutions	The master plan is largely reliant on any bushfire performance-based solutions under PBP.	Not Compliant
providing adequate infrastructure associated with emergency evacuation and firefighting operations	<p>The evidence presented does not fully demonstrate the capacity for full, ‘un-assisted’ off-site evacuation that is not reliant on emergency services intervention.</p> <p>Infrastructure for firefighting operations will include the road network, including perimeter roads, reticulated water supply and a large (existing) Static Water Supply (SWS) facility.</p> <p>The proposed East Killara Rural Fire Brigade Station is to be located approximately 1 kilometre distant from the site and it is understood that the Department will continue to consult with emergency service agencies regarding whether any further physical infrastructure is required for the proposed development.</p>	Compliant
facilitating appropriate ongoing land management practices	The Master Plan does restrict appropriate ongoing land management practices and is reliant on bushfire management of adjoining lands to support its bushfire protection.	Not Compliant

Table 5: Evaluation of the Development Proposal against the “inappropriate development” exclusion requirements of PBP (RFS 2019)

Inappropriate Development	Evaluation	Compliance
the development area is exposed to a high bush fire risk and should be avoided	The bushfire risk profile varies across the Subject Land (i.e. Fireline Intensity scenario analysis undertaken by RedEye). The development footprint, proposed by the Master Plan, is not actually sited in the lowest bushfire risk location within the locality. Risk exposure that can be reduced to an appropriate level, through the application of bushfire protection measures in Accordance with and exceeding PBP requirements.	Not Compliant Not Compliant
The development is likely to be difficult To evacuate during a bushfire due to its Siting in the landscape, access limitations, History and/or size and scale	Due to the siting of the Subject Land at the end of a ridgetop, surrounded by fire prone vegetation with only one major road exit, large-scale evacuation of the many vulnerable residents from the site may experience operational difficulties and be lengthy in nature. Secondary evacuation routes are not available, Depending on the bushfire attack scenario faced, on-site evacuation may be the preferable option and offer useful redundancy to greatly reduce the level of evacuation risk. Not Compliant	
the development will adversely effect other bush fire protection strategies or place existing development at increased risk	The proposed development will not adversely affect other bushfire protection strategies or place existing development at increased risk. Rather, it may benefit existing development, both within and outside of the Subject Land, particularly in consideration of: <ul style="list-style-type: none"> • The on-site evacuation options available within the Site also reduce the level of evacuation risk to existing developments but are evaluated as risk design redundancy in this Study; • An improvement to emergency services capacity (e.g. provision of the new RFS Brigade Station at East Killara) benefits existing residents. 	Compliant
the development is within an area of high bush fire risk where density of existing Development may cause evacuation issues for both existing and new occupants	The proposal will increase the number of residents, including a vulnerable population, on-site. The increased density will further complicate the yet unsolved issues of on-site evacuation and measures to suitably achieve resident safety.	Not Comnt
the development has environmental constraints to the area which cannot be overcome	The environmental constraints are assessed by specialist(environmental) reports. It is not demonstrated that the master plan responds favourably to the environmental constraints within the Lourdes Retirement Village site.	Not Compliant

Table 6: Evaluation of the Development Proposal against the Strategic Planning Assessment Considerations of PBP (RFS 2019)

Issue	Detail	Evaluation	Compliance
Bush fire landscape assessment	A bush fire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape	<p>The Eco Logical Bushfire Assessment (2018) report presents a bushfire risk assessment for the broader locality.</p> <p>The bushfire landscape risk relevant to the Lourdes Retirement Village Planning Proposal master plan, is presented in Section 2 of this report. It details the bushfire hazard, potential bushfire behaviour and the bushfire risk setting of the Subject Land, including: recorded bushfire history and frequency, fire catchment characteristics, and potential bushfire attack scenarios.</p> <p>The bushfire landscape risk context is outlined in Table 7 and is summarised below.</p> <ul style="list-style-type: none"> • There are areas of elevated (Moderate – Very High Overall Fuel Hazard ranking levels) bushfire risk in the broader locality. • The areas of elevated risk in the locality are immediately adjacent to and not well separated from the Subject Land; • The bushfire hazards within and immediately adjoining the Subject land are generally contiguous with the external hazard which is classified as Moderate-High hazard vegetation. 	Not Compliant
Land use assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed land uses	<p>The bushfire risk profile varies across the Subject Land. This Study has identified that the locations proposed for future development are not confined to the lower risk portions of the Subject Land (i.e. central and western sectors), and that the eastern sector has a bushfire risk context that renders them not suitable for development, considering:</p> <ul style="list-style-type: none"> • Removal of proposed development from locations with elevated bushfire risk; • Proposed development areas are significantly separated from locations with elevated bushfire risk, with separation provided by managed lands, fuel reduced areas and low hazard vegetation. This separation is in all directions, but especially in the primary risk directions of the north-east through to the south-east; • Clustering of development in lower risk settings (i.e. western, north-western and central sectors of the Subject Land) and not adjoining areas of significant bushfire hazard); • Ability of ‘unassisted evacuation’; • The size and location of proposed land uses permits the application of bushfire protection measures that meet or can exceed the Acceptable Solutions of PBP, thus allowing the level of residual risk to be reduced to a suitable level. <p>Whilst the Subject Land will retain a level of residual risk post-development (as do all areas proximal to bushfire hazard) the level of this residual risk in the western-central sector of the site is not unacceptable, such that the proposed land uses should be excluded, provided those land uses are afforded with an adequate combination of bushfire protection measures (i.e. Asset Protection Zones, building construction standards, an adequate road network and water supply etc.). Analysis of the Master Plan (Sections 3 to 7) indicates that an appropriate and PBP compliant combination of bushfire protection measures has not been demonstrated for the future development.</p> <p>Recommendation: Planning provisions and subsequent more detailed development design is required for the Lourdes Planning Proposal master plan to ensure that the bushfire protection measures are afforded to future development, in accordance with PBP requirements and to lower residual risk to residences and occupants.</p>	Not Compliant

Issue	Detail	Evaluation	Compliance
Access and egress	A study of the existing and proposed road networks both within and external to the masterplan area or site layout	<p>There has only been limited analysis of the existing and proposed road networks both within and external to the proposed development site with specific reference to off-site evacuation. The analysis has not included extensive stakeholder consultation with emergency services agencies and other experts to identify appropriate assumptions, model parameters and acceptance criteria. The analysis has not yet determined:</p> <ul style="list-style-type: none"> • The evacuation route options to off-site safer places; • The priority evacuation routes based on potential bushfire attack scenarios and hazards proximal to the evacuation routes; • That the capacity for the existing and proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile, is satisfactory (according to established evacuation guidelines) <p>Recommendation: The provision of an on-site evacuation building is strongly recommended to be further explored (Section 5) to provide bushfire protection design redundancy.</p> <p>There are a range of existing internal and proposed roads, which provide various connections to the main access and egress routes. Additional roads may be identified at subdivision design stages.</p> <p>Assessment of the Structure Plan indicates that where potential new roads (and specifically perimeter roads) are proposed these roads can meet the Acceptable Solutions for residential and rural subdivisions.</p> <p>Recommendation: The Masterplan design must provide for perimeter roads for all new development of three or more allotments that abut bushfire hazard.</p>	Not Compliant
Emergency services	An assessment of the future impact of new development on emergency services provision	<p>The Master Plan proposes development of up to 74 new dwellings. This change may influence the demand on emergency services. The development proposed by the Master Plan may adversely impact on the ability of emergency services to carry out fire suppression in a bushfire emergency. However a well documented Master Plan will support it by formalisation of the hazard interface, provision of perimeter roads and water supply.</p>	Compliant

Issue	Detail	Evaluation	Compliance
Infrastructure	An assessment of the issues associated with infrastructure provision	This Strategic Bush Fire Study concludes that provision of bushfire protection related infrastructure is adequate.	Compliant
Adjoining land	The impact of new development on adjoining landowners and their ability to undertake bush fire management	Future development as proposed by the Master Plan, should not be reliant on any off-site bushfire management measures such as hazard reduction burning or other fuel (reduction) management. Further, the proposed land uses will not have a deleterious impact on the ability for bushfire management activities to be undertaken on adjoining land. Given the adherence to <i>PBP 2019</i> and other land use planning requirements, the proposed land uses should not increase bushfire management needs for retained and/or adjoining bushfire prone vegetation, rather the development proposed by the Master Plan would result in a reduction in bushfire hazard. Further, given the provision of well-designed road networks for future development, the future land uses and infrastructure should help facilitate effective bushfire management operations.	Not Compliant

9. Conclusion

This Bush Fire Strategic Study has examined whether the proposed dwelling increase at the Lourdes Retirement Village site is appropriate in the bush fire hazard context and details the strategic implications of future development for bush fire mitigation and management. The proposed 2022 Planning Proposal Urban Study master plan has also been evaluated against the approach and findings in the earlier bushfire risk assessment attached to a previous 2018 Planning Proposal for this site (Eco Logical Australia 2010) and the current bushfire justifications attached to the 2022 Planning Proposal (Blackash 2022).

This Study associated with the 2022 Planning Proposal Urban Study master plan area indicates:

- *extensive areas of elevated bushfire risk exist in the broader landscape, with only some lower hazard areas across that landscape;*
- *the elevated risk areas are immediately adjacent to and not well separated from the Planning Proposal site;*
- *the bushfire hazard context on bushlands immediately adjoining the Planning Proposal site are generally moderate to high level with strategic implications for future development, and are not able to be appropriately managed under the Acceptable Solutions within PBP;*
- *small internal bushfire hazards exist within the Planning Proposal site, and these are not well separated from landscape-wide hazards.*

Given the acknowledged high bushfire risk profile of the Lourdes Retirement Village site at a Strategic Level, and the very limited evacuation data and analysis presented in evidence of the Planning Proposal, satisfactory 'unassisted' on-site evacuation has not been demonstrated to be feasible.

Key conclusions of this Study include:

- ***The Planning Proposal Urban Study master plan, upon which the proposal's increased development standards are based, fails to comply with the Strategic Planning Principles of PBP 2019.***
- *The Planning Proposal Urban Study master plan triggers the "inappropriate" development exclusion requirements of PBP.*
- *The Acceptable Solution bushfire protection measures within PBP 2019 cannot be met by the future development envisaged in the Planning Proposal Urban Study master plan, and it does not offer opportunities for protection measures beyond the minimum compliance under PBP 2019.*
- *Compliance with PBP 2019 is partially reliant on the intervention/response by emergency services or hazard management on adjoining land (i.e. APZ requirements).*
- *'Unassisted' off-site evacuation has not been demonstrated to be achieved by the Bushfire Assessment reports.*

The findings of this Study demonstrate that this site is not suitable for increased dwellings and populations under PBP 2019. It concludes that the level of residual risk, after inclusion of the bushfire protection measures typically applied under PBP 2019, is inadequate and the Planning Proposal Urban Study master plan does not meet the PBP strategic planning principles and requirements. Specifically, that the aims and objectives, acceptable solutions and performance requirements of PBP pertaining to risk to life and risk to property cannot be met nor exceeded. Further, there is a high reliance on emergency service response/intervention, and an unacceptable reliance on fuel management on adjoining lands to provide the level of bushfire protection and residual risk.

Key recommendations from this Study include:

- Based on the lack of evidence and justification, it is recommended that the current 2022 Planning Proposal seeking outcomes of increased dwellings and population on 95-97 Stanhope Road, Killara be refused.
- The option be given to submit a new planning proposal for the site, with a transparent and thorough bushfire assessment, that delivers the required bushfire risk related evidence and detail demonstrating:
 - compliance with PBP 2019, including elements such as perimeter roads for all new residential buildings that abut bushfire hazard as prescribed by PBP;
 - how any proposed on-site evacuation building will provide additional bushfire protection redundancy
 - including travel paths into the refuge that facilitate safe movement of vulnerable elderly and disabled people across the site's steep terrain, particularly during a power outage; and,
 - how large numbers of vulnerable and high dependency population will be housed for extended periods of time within the refuge, especially without power and medical emergency services to attend any stress-related health episodes whilst in the refuge;
 - off-site evacuation protocols including emergency services demand and relocation destinations, as it is unlikely this population group would endure extended times within a refuge;
 - provision of suitable on site APZ to ensure defensible space for buildings and firefighters - reliance on Council's adjacent heritage bushland and its management as an APZ is not acceptable as under PBP APZ must be provided solely on the subject site.
- Consultation with relevant agencies regarding emergency management requirements and infrastructure provision to improve outcomes on the existing site for its current residents.

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Appendix A Bush Fire Prone Vegetation Status




Legend

-  Watercourse
-  Subject Land
-  Cadiotia
- Bushfire Prone Land**
-  Vegetation Buffer
-  Vegetation Category 1

N


 DKGIS
Date: 8/06/2021


0 37.5 75 150 225
Metres

Coordinate System: GDA 1994 MGA Zone 56
Imagery: © Naamoo

Appendix B Access Specifications

The following access specifications are reproduced from PBP (RFS 2019).

Intent of measures: To provide safe operational access to structures and water supply for emergency services while residents are evacuating an area.

Table 6: Performance criteria for access for residential and rural residential subdivisions

Performance Criteria	Acceptable Solutions
The intent may be achieved where:	
firefighting vehicles are provided with safe, all-weather access to structures and hazard vegetation	<p>property access roads are two-wheel drive, all-weather roads, and perimeter roads are provided for residential subdivisions of three or more allotments; and</p> <p>subdivisions of three or more allotments have more than one access in and out of the development; and</p> <p>traffic management devices are constructed to not prohibit access by emergency services vehicles; and</p> <p>maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient; and</p> <p>all roads are through roads. Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end; and</p> <p>where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road; and</p> <p>where access/egress can only be achieved through forest, woodland or heath vegetation, secondary access shall be provided to an alternate point on the existing public road system.</p>
the capacity of access roads is adequate for firefighting vehicles	the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
there is appropriate access to water supply	<p>hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;</p> <p>hydrants are provided in accordance with AS 2419.1:2005;</p> <p>there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.</p>
access roads are designed to allow safe access and egress for medium rigid firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel during firefighting and emergency management on the interface	<p>perimeter roads are two-way sealed roads; and</p> <p>8m carriageway width kerb to kerb; and</p> <p>parking is provided outside of the carriageway width; and</p> <p>hydrants are located clear of parking areas; and</p> <p>there are through roads, and these are linked to the internal road system at an interval of no greater than 500m; and</p> <p>curves of roads have a minimum inner radius of 6m; and</p> <p>the maximum grade road is 15° and average grade is 10°; and</p> <p>the road crossfall does not exceed 3°; and</p>

Performance Criteria	Acceptable Solutions
<p>access roads are designed to allow safe access and egress for medium rigid firefighting vehicles while residents are evacuating</p>	<p>a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.</p> <p>minimum 5.5m width kerb to kerb; and parking is provided outside of the carriageway width; and hydrants are located clear of parking areas; and roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m; and curves of roads have a minimum inner radius of 6m; and the road crossfall does not exceed 3°; and a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.</p>
<p>firefighting vehicles can access the dwelling and exit safely</p>	<p>No specific access requirements apply in an urban area where a 70 metre unobstructed path can be demonstrated between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles (i.e. a hydrant or water supply).</p> <p>In circumstances where this cannot occur, the following requirements apply:</p> <p>minimum carriageway width of 4m;</p> <p>in forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay; and</p> <p>a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches; and</p> <p>provide a suitable turning area in accordance with Appendix 3; and</p> <p>curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress; and</p> <p>the minimum distance between inner and outer curves is 6m; and</p> <p>the crossfall is not more than 10°; and</p> <p>maximum grades for sealed roads do not exceed 15° and not more than 10° for unsealed roads; and</p> <p>a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.</p> <p>Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. the gradients applicable to public roads also apply to community style development property access roads in addition to the above.</p>

Appendix C Services Specifications

The following services specifications (provision of water, gas and electricity) are reproduced from PBP (RFS 2019).

Intent of measures: provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Table 7: Performance criteria for services provision for residential and rural residential subdivisions

Performance Criteria	Acceptable Solutions
The intent may be achieved where:	
a water supply is provided for firefighting purposes	reticulated water is to be provided to the development, where available; a static water supply is provided where no reticulated water is available.
water supplies are located at regular intervals	fire hydrant spacing, design and sizing comply with the Australian Standard AS 2419.1:2005;
the water supply is accessible and reliable for firefighting operations	hydrants are not located within any road carriageway; reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.
flows and pressure are appropriate	fire hydrant flows and pressures comply with AS 2419.1:2005.
the integrity of the water supply is maintained	all above-ground water service pipes external to the building are metal, including and up to any taps.
location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings	where practicable, electrical transmission lines are underground; where overhead, electrical transmission lines are proposed as follows: lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not used; above-ground gas service pipes are metal, including and up to any outlets.

Table 8: Water supply requirements for non-reticulated developments or where reticulated water supply cannot be guaranteed (Table 5.3d of PBP)

Development Type	Water Requirements
Residential lots (<1000m ²)	5000L/lot
Rural-residential lots (1000-10,000m ²)	10,000L/lot
Large rural/lifestyle lots (>10,000m ²)	20,000L/lot
Multi-dwelling housing (including dual occupancies)	5000L/dwelling



BUSHFIRE EVACUATION RISK ASSESSMENT

of the 2022 planning proposal to increase dwelling and population numbers at

**95 – 97 Stanhope Road Killara
Lourdes Retirement Village**



Executive Summary

Ku-ring-gai Council has successfully applied planning mechanisms under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015) to reduce risks to population and property that would result from a bushfire event, including bushfire evacuation risk.

Ku-ring-gai Council's background study *Managing Bushfire Risk, Now and Into the Future* (March 2012) provided Council with an understanding of the future risk of bushfire in the Ku-ring-gai local government area. Given any future development in the local government area would primarily consist of infill development, a mechanism was required to ensure high risk locations would not increase populations in those risk areas.

A sound evacuation risk methodology to assess risk was developed in consultation with NSW Police and Rural Fire Service (RFS) and applied to land under the KLEP 2015. The amendment was endorsed and gazetted by the Department of Planning in January 2018.

There is scope for Ku-ring-gai Council to apply the same methodology across the whole local government area to reduce risk to people and property, and to reduce pressures on emergency services including Police and RFS, hospitals and other facilities within Ku-ring-gai. This is of particular importance given the clear evidence of climate change and the associated likelihood of increased number of fire events and greater fire intensities resulting from both direct flame and ember attack.

Application of the methodology to the Lourdes Retirement Village site, subject of the current 2022 planning proposal, demonstrates that this location is not suitable for increased population numbers.

The amendments sought by the planning proposal would result in an increase to the number of onsite dwellings and associated mainly vulnerable elderly population. Whilst the planning proposal indicates an increase from 256 to 330 dwellings, higher numbers of dwellings may be enabled under the proposed standards and presented at a future development application stage. Further, the proposal fails to address the numbers of people proposed on the site and the logistics of their evacuation, instead proposing to house them in an onsite refuge for which no detail is provided

The substantial intensification of a use, being a special fire protection purpose under the *Rural Fires Act*, within an area that already exceeds the recommended number of dwellings for the one exit road, is of concern as increasing the number of residents will only make evacuation more difficult in the event of a bushfire, and place not only the residents on site at risk, but also residents outside the site in dwellings on Stanhope Road.

It is also of concern that the additional increase in dwellings will be occupied by residents who are highly vulnerable to the effects of bushfire, are difficult to evacuate and are more susceptible to smoke impacts, anxiety and other geriatric related health issues, resulting in additional and high demand on emergency services to assist with safe evacuation.

The planning proposal study by Blackash does not consider evacuation risk instead proposing underground tunnels and an onsite refuge to avoid evacuation of the population. However, it fails to explain how the refuge would cater for the 668 people, two thirds of whom are vulnerable elderly, 110 being high care including dementia patients, and how the tunnels would operate for less mobile people. There is no description nor testing provided to demonstrate the viability of an onsite refuge for this profile and volume of population.

It is recommended that the planning proposal be refused as it fails to meet the requirements for safe and timely evacuation of the resultant increased population of elderly, disabled, vulnerable people. It proposes an onsite refuge with no validation of its design or function. In addition, acceptance of the proposed evacuation risk will set a precedent that undermines Council's application of the same methodology in areas yet to be assessed as part of any future strategy to mitigate risk across Ku-ring-gai.

Introduction

This report provides an assessment of the 2022 planning proposal for 95-97 Stanhope Road, Killara Lourdes Retirement Village in terms of bushfire evacuation risk.

It utilises the Bushfire Evacuation Risk Assessment methodology applied within Ku-ring-gai Council's Deferred Areas Planning Proposal. The risk assessment considered fringe areas across the local government area with the scope to apply the same methodology across the total Ku-ring-gai local government area to ensure a consistent approach to evacuation related zoning application. This is of particular importance given the clear indications of climate change and related increase in bushfire events.

This Bushfire Evacuation Risk Assessment methodology provides a valid assessment tool that has been used by Council for a Planning Proposal endorsed by the NSW Department of Planning and Environment involving consultation with NSW Police and Rural Fire Service. The planning proposal resulted in the application of planning mechanisms (zoning, heights, FSR, uses) across risk areas to ensure future new and infill development would reduce risks to existing and new residents.

The two key assessment factors of this methodology include:

- **Identification of land mapped as a Bushfire Evacuation Risk Area (SEPP Seniors Exclusion Zone); and**
- **Assessment of the exit road criteria proposed by Cova (2005)**

Background information and methodology details for the Bushfire Evacuation Risk Assessment – Deferred Areas Methodology are provided within Appendix A.



Lourdes Retirement Village: 95 – 97 Stanhope Road, Killara

SEPP Seniors Exclusion Zone

The Deferred Areas planning proposal was aimed at resolving bushfire risk to the 'peninsula' areas of the local government area, and developing a methodology that could then be applied across the local government area.

The site at 95-97 Stanhope Road, Killara was not included within the Deferred Areas planning proposal and not mapped on the Bushfire Evacuation Risk Map (SEPP Seniors Exclusion Zone).

Whilst not mapped on the Bushfire Evacuation Risk Map, the site and surrounding area is similar to the areas included the Deferred Areas Planning Proposal in terms of:

- the area being surrounded by bushfire prone land
- only one single exit road

The 2022 planning proposal seeks an intensification of land uses that are deemed to be special fire protection purposes under the *Rural Fires Act 1997*, i.e accommodating vulnerable people that would pose an evacuation risk in a major bushfire event. As such, it is considered constructive to undertake an assessment of the catchment area against the Cova (2005) minimum exit road criteria.



Excerpt from Bushfire Prone Lands Map 2017

Catchment Area

The catchment area for the assessment of bushfire evacuation risk is shown outlined in red in the image below:



Aerial Photo – Outline showing Catchment Area for Assessment of Bushfire Evacuation Risk

The catchment area encompasses the area at the eastern end of Stanhope Road, from the intersection with Rosebery Road to the cul-de-sac end of Stanhope Road. The area includes the Lourdes Retirement Village and residential dwelling houses.

The catchment area was chosen using the same methodology as those areas included in the Deferred Areas Planning Proposal. In this case, all the properties in the catchment area exit on Stanhope Road, which is the only exit road from this catchment area.

The catchment area ends at the intersection with Rosebery Road, as from this point there are multiple exit roads and routes for residents in the event of an evacuation.

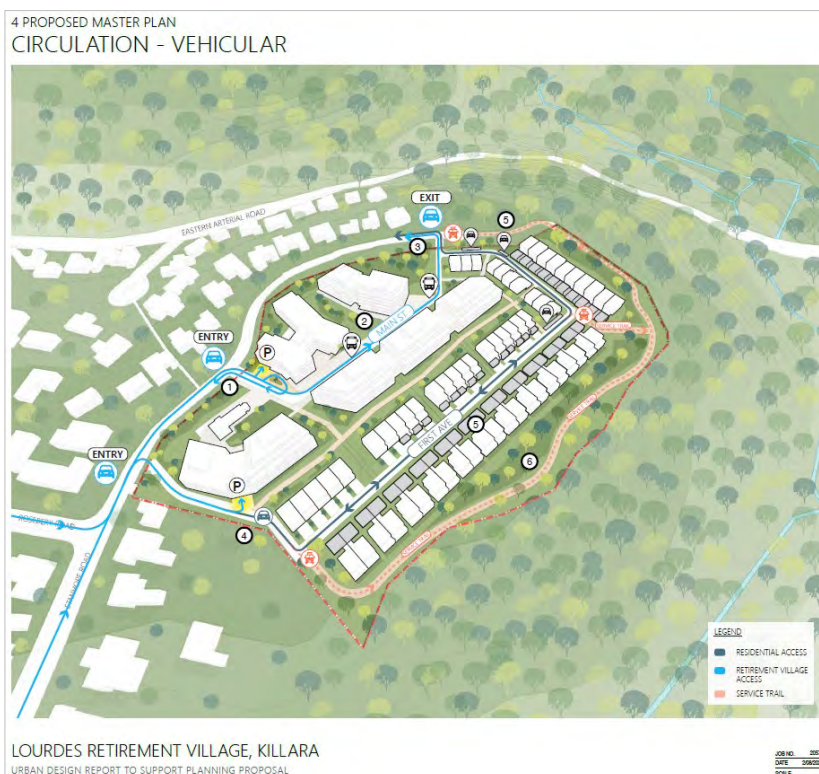
Exit Road Criteria - Cova (2005)

The exit road/maximum dwelling criteria as proposed by Cova (2005) is described in the below table:

Number of households	Minimum number of exit roads	Maximum number of households per exit
1-50	1	50
51-300	2	150
300-600	3	200
601+	4	

Table 2- Cova (2005) Proposed Minimum Exits Table

It is noted that master plan submitted with the 2022 planning proposal seeks to increase the number of exit roads from the Lourdes Retirement Village, as shown in the images below; however, the proposed additional exit roads from Lourdes Retirement Village exit out onto Stanhope Road – still resulting in only one (1) exit road from the wider catchment area.



Excerpt from Urban Design Report (Plus Architecture, August 2022)



The assessment in the below table indicates the pressure on the single direction Stanhope Road exit point for the sum of dwellings. The 2022 planning proposal will result in 280 dwellings more than the recommended number for the single Stanhope Road exit.

The table demonstrates the already inadequate exit road for the existing population, and the exacerbation of the evacuation risk with the proposed increase in population that would result from the 2022 planning proposal for Lourdes Retirement Village.

Existing Catchment			
Number Exits	Number Dwellings	Recommended Maximum Dwellings	Number Over Recommended
1 exit at Stanhope Road	A) Lourdes Retirement Village: **: <ul style="list-style-type: none"> • 108 - Independent Living Units • 49 - Serviced Apartments • 83 - Bed Residential Aged Care Facility* B) Other Stanhope Road Properties: <ul style="list-style-type: none"> • 16 Total = 256	50	206
Proposed Catchment – permissible under 2022 planning proposal			
Number Exits	Number Dwellings	Recommended Maximum Dwellings	Number Over Recommended
1 exit at Stanhope Road	A) Lourdes Retirement Village: **: <ul style="list-style-type: none"> • 141 - Independent Living Units • 110 - Residential Aged Care Facility beds* • 63 - Townhouses B) Other Stanhope Road Properties: <ul style="list-style-type: none"> • 16 Total = 330	50	280
*For the purposes of this assessment each bed in the Residential Aged Care Facility is counted as a dwelling.			
**The existing and proposed numbers for Lourdes Retirement Village are referenced from the Urban Design Study prepared by Plus Architecture (August 2022).			

Table 3 – Existing and Proposed Catchment Assessment – Cova (2005)

Exit Capacity Criteria - Cova (2005)

The Cova research paper also proposes assessment criteria based on the exit capacity of the key access roads for an area of interest.

For this analysis, an evacuation time of 0.5 hours (30 minutes) is the target, based on the categorisation of the area as a “high+ wildfire hazard” as per the Cova (2005) categories of low, medium or high+ wildfire hazard. The categorisation of the area as high+ wildfire hazard for the purposes of the Cova (2005) exit road capacity assessment is consistent with the categorisation of much of the site as BAL29 – High Risk (Bushfire Attack Level (BAL)) or higher within the *Peer Review – Planning Proposal 95-97 Stanhope Road, Killara* undertaken by CR Bushfire.



The results of the analysis is tabulated below:

Scenario	Key Roads	No. Exits	No. of Dwellings	No. of vehicles	h:mm estimated evacuation time (Target - 30 mins)
Existing	Stanhope Road	1	<ul style="list-style-type: none"> 108 Independent Living Units 49 Serviced Apartments 83 Bed Residential Aged Care Facility*** 16 other Stanhope Road properties 20 staff (assumed) 	<ul style="list-style-type: none"> 72* 74* 83*** 32 20 	0:21# (not accounting for increased time required to move vulnerable elderly disabled population)
Proposed	Stanhope Road	1	<ul style="list-style-type: none"> 141 Independent Living Units 63 Townhouses 110 Bed Residential Aged Care Facility*** 16 other Stanhope Road properties 30 staff (assumed) 	<ul style="list-style-type: none"> 94* 126** 110*** 32 30 	0:29# (not accounting for increased time required to move vulnerable elderly disabled population)

* based on average vehicle ownership of 2 vehicles per 3 ILU and 1.5 vehicles per serviced apartment leaving the area

** based on average vehicle ownership of 2 vehicles per 3 ILU and 2 vehicles per townhouse leaving the area

*** based on 1 vehicle per bed leaving the area

- surrounding properties on Stanhope Road are assumed to have 2 vehicles per household

based on interrupted roadway capacity of 800vph per lane

Table 4 – Exit road capacity assessment

From this assessment, under the increased dwelling numbers being proposed through the current planning proposal, Stanhope Road would effectively be at capacity to evacuate the area in the 0.5hr window; however, the 29 minutes does not factor in the extra time required to move elderly and disabled people, nor those that require high care in the Residential Aged Care Facility.

State Environmental Planning Policy (Housing) 2021 – Part 5 Housing for seniors and people with a disability

Clause 96 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) describes requirements regarding placement of vulnerable elderly people on bushfire prone land. It seeks demonstration of how vulnerable people can be safely accommodated and evacuated from the site.

In considering a planning proposal master plan that will increase elderly population on a site, these requirements must be considered up front to determine whether a future development application under the proposed increased standards is able to meet the requirements or not.

Where successful measures are not demonstrated, it is unreasonable to apply standards to land that embed unresolved risk elements into a site’s future development; nor is it reasonable to defer considerations of those risks to the later development application stage when best practice solutions are unlikely to be possible and place lives at risk. Consequently, such a planning proposal must be refused or reconsidered to provide evidenced justification of risk mitigation and management.



The determination of site suitability must be made prior to agreeing the increased standards and associated populations on the site via a planning proposal. Controlling numbers of vulnerable people on land at the development application stage is highly unlikely under the planning and court system due to the increased standards having been considered and approved through a planning proposal.

The planning proposal for 95-97 Stanhope Road, Killara does not provide any information regarding, at a minimum, on site population and the feasibility of their protection during a fire event. The below table extrapolates information from the planning proposal Urban Design Report to approximate that the site will accommodate around 668 people of which 416 will be vulnerable elderly - including 110 high care elderly (noted are the 14 dementia suites proposed) in the RACF and at least 306 elderly people in the ILUs.

Number of people based on unit sizes (from Urban Design Report – plus Architecture)					
	RACF (110 Beds)	ILUs (141 ILUs)			Townhouses (63 Townhouses)
No of Bedrooms	110	1	2	3	4
Total Bedrooms	110	20	77	44	63
No of People	110 (1 per bed)	306 (1 per bedroom)			252 (4 per townhouse)
Total People	668 people (RACF+ILU+Townhouses)				

Given the proposal includes 110 residential care facility beds and 141 independent living units that may house disabled people, it can be assumed that a minimum of 110 ambulances will be required to move part of the population off site. No reference is made to this aspect and the impacts on evacuation on Stanhope Road, nor the logistics of where this vulnerable population will be moved and housed off site.

Further, the planning proposal’s bushfire study by Blackash suggests subterranean tunnels and an onsite refuge to avoid evacuation of the population. However, it fails to explain how the refuge would cater for the 668 people, two thirds of whom are vulnerable elderly, 110 being high care including dementia patients, and how the tunnels would operate for less mobile people. There is no description nor testing to demonstrate the viability of an onsite refuge for this type and volume of population.

Whilst the proposal introduces 4 bedroom townhouses aimed at family groups, there is no mechanism to prevent those townhouses being occupied by disabled people of any age, and by elderly people through private purchase or lease. Regardless, the placement of large numbers of people on the very high risk bushland fringe, be they children or elderly, is a poor risk strategy.

The planning proposal also fails to consider the feasibility of rehousing that refugee population in the event of the fire moving across and damaging the onsite dwellings, and the physical and mental effects of such displacement on vulnerable people including dementia patients.

Consideration of these issues at the planning proposal stage is vital to ensure undue burdens are not placed on health and emergency responders and on facilities in the local area which will already be under pressure during hazardous fire events.

CONCLUSION

The existing Stanhope Road catchment area has an existing effective total of 256 dwellings, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 206 dwellings (as shown in Table 3).

The amendments sought by the Planning Proposal would result in an effective total of 330 dwellings within the catchment area, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 280 dwellings.

Within the catchment area, the current number of dwellings and the increased number of dwellings that would result, as indicated in the planning proposal's urban study concept plan, both exceed the recommended number of dwellings for the one (1) exit road as set out by the Cova (2005) criteria. It is also noted that depending on the final design submitted at DA stage, dwelling numbers may be higher than indicated in the planning proposal concept plan.

The assessment in Table 4 suggests evacuations under the increased numbers could take 30 minutes which is at capacity for Stanhope Road, and this assumes the ability of a vulnerable community to evacuate in an orderly and timely fashion is the same as the surrounding community, which is unlikely to be the case.

The amendments sought by the Planning Proposal would result in an increase to the number of dwellings by about one third within the Lourdes Retirement Village. The substantial intensification of a use being a special fire protection purpose under the *Rural Fires Act* within an area that already exceeds the recommended number dwellings for the one exit road is of concern, as increasing the number of residents will only make evacuation more difficult in the event of a bushfire.

It is also of concern that the additional increase in dwellings will be occupied by residents who are highly vulnerable to the effects of bushfire, are difficult to evacuate and are more susceptible to smoke impacts, resulting in additional and high demand on emergency services, particularly if evacuation is required.

The planning proposal avoids consideration of the suitability of the site for increased elderly and vulnerable people in terms of safe and timely evacuation by proposing an onsite refuge. This approach is not supported. The planning proposal's bushfire study by Blackash gives no meaningful explanation of the functional ability of a refuge to accommodate a large population from the proposed 314 dwellings, the majority being elderly and vulnerable people. Further, there is no explanation of where to and how populations will be moved as they cannot be housed indefinitely in a refuge.

References

Cova, T, 2005, *Public Safety in the Urban-Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy?*, Natural Hazards Review, vol.6, No.3, pp.99-108

Ku-ring-gai Council, 2012, *Managing Bushfire Risk, Now and Into the Future, Ku-ring-gai Principal LEP Background Study*

Appendix A

Bushfire Evacuation Risk Assessment – Deferred Areas Methodology

BACKGROUND

Background Study - Managing Bushfire Risk, Now and Into the Future

As part of the preparation of the *Ku-ring-gai Local Environmental Plan 2015*, Council prepared a background study – *Managing Bushfire Risk, Now and Into the Future* (March 2012). One of the aims of this background study was to better understand the future risk of bushfire in the Ku-ring-gai local government area.

In order to reduce the risks to people and property from bushfire, the study made a number of recommendations which focused on land use planning and development controls, such as zoning, lot sizes and lot depths.

In order to assess evacuation risk, the study considered research paper undertaken by Thomas Cova (2005) *Public Safety in the Urban-Wildland Interface: Should Fire-Prone Communities Have a Maximum Occupancy?* The focus of the paper is evacuation egress or accessibility out of an area in an evacuation. The research paper identified a range of factors that affect the capacity to evacuate during bushfire, including the capacity of the road, the type of land use and the number and location of exit roads.

The Cova research paper proposes a minimum number of exit road based on the number of households in a sensitive area:

Number of households	Minimum number of exit roads	Maximum number of households per exit
1-50	1	50
51-300	2	150
300-600	3	200
601+	4	

Table 1 - Cova (2005) Proposed Minimum Exits Table

The Cova research paper states that *‘Economic pressure is strongly toward developing fire-prone communities to a density beyond which the egress system can safely handle in an urgent wildfire evacuation’*.

Within Ku-ring-gai, development has occurred in a number of locations where the local community is surrounded by extensive areas of bushfire prone vegetation, often with inadequate road networks to enable safe evacuation. Pressure to increase development in these areas has led to increasing evacuation risk to residents, including a high number of elderly and very young residents.

Land Use and Evacuation Risk

Land uses such as childcare centres, schools, retirement villages, housing for seniors or people with a disability, group homes, hotels, motels or other tourist accommodation and hospitals provide for people who are particularly vulnerable during a bushfire, and increase evacuation risks in the event of a bushfire. These uses are identified as a 'special fire protection purpose' under Section 100B of the *Rural Fires Act 1997* and *Planning for Bushfire Protection 2006*. The Rural Fire Service (RFS) has noted that occupants of these types of developments are highly vulnerable to the effects of bushfire, are difficult to evacuate and are more susceptible to smoke impacts, resulting in additional demands on emergency services, particularly if evacuation is required. Section 4.2.3 of *Planning for Bushfire Protection 2006* details the following specific objectives for Special Fire Protection Purpose Developments:

1. Provide for the special characteristics and needs of occupants as they are more likely to be adversely affected by smoke or heat while being evacuated.
2. Provide for safe emergency evacuation procedures

Methodology

The background study *Managing Bushfire Risk Now and Into the Future* identified zoning as a means of managing the risks associated with bushfire and evacuation. The study recommended that environmental zones – E3 Environmental Management and E4 Environmental Living - could be applied to prevent further development of incompatible land uses (such as childcare centres) in areas identified as being of high evacuation risk during a bushfire event.

The background study made the recommendation to apply the environmental zoning to sites that were:

- Identified as 'extreme' bushfire risk using the Bushfire Risk Management Plan 2010 (Hornsby and Ku-ring-gai Councils); AND
- Identified within the bushfire evacuation risk area (SEPP 5 Exclusion Zone) on the Bushfire Prone Land Map and Bushfire Evacuation Risk Map; AND
- The area does not meet the exit criteria proposed by Cova (2005).

This methodology was used to identify the areas and properties that were considered to be of high evacuation risk during the event of a bushfire and as such the environmental zoning was applied to these areas that met the methodology criteria within the *Draft Ku-ring-gai Local Environmental Plan 2013*.

Following the exhibition of the *Draft Ku-ring-gai Local Environment Plan 2013* consultation was undertaken with the RFS and Police who advised that in the event of a bushfire, emergency services would be looking at evacuating more than those properties identified as 'extreme' bushfire risk under the Bushfire Risk Management Plan 2010 (Hornsby and Ku-ring-gai).

As a result of this advice, the methodology was revised so that the areas and properties that were identified to be of high evacuation risk and should have the environmental zoning applied were:

- **Land identified as bushfire evacuation risk area (SEPP 5 Seniors Exclusion Zone) on the Bushfire Prone Land and Bushfire Evacuation Risk Map**
- **The area does not meet the exit road criteria proposed by Cova (2005)**

Deferred Areas Planning Proposal

Due to the change to the methodology, the areas that met the revised methodology criteria were deferred from inclusion within the *Ku-ring-gai Local Environmental Plan 2015* in order to allow Council to re-exhibit the proposed changes prior to making a final decision within these areas.

A Planning Proposal to include these 13 deferred areas into the *Ku-ring-gai Local Environmental Plan 2015* was prepared. The 13 areas the subject of the Planning Proposal are all surrounded by large areas bush fire prone land, and with only a single or limited exit roads from the catchment area. Some areas, like North Turramurra also have a high number of retirement village, schools and hospital which are particularly vulnerable and pose additional difficulties in the event of evacuation from bushfire events.

The Planning Proposal utilised the revised methodology in order to identify areas and properties that were of high evacuation risk during the event of bushfire, and as a result applied the E4 zone as a planning control in order to limit further development to incompatible land uses and limit further increases in residential density by limiting further subdivision.

The Planning Proposal involved extensive consultation with the NSW RFS and Police. The Planning Proposal was gazetted by the Department of Planning in January 2018.

END



Meeting Minutes – RFS Meeting Lourdes Retirement Village – 12 September 2022

RFS

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Council

History and process

- In 2018 Council refused the original Planning Proposal due to a number of issues, most notably concerns with the potential bushfire risks.
- The Planning proposal is seeking substantial changes to zoning, height and FSR standards on bushfire prone land at the Lourdes Retirement Village site at 95-97 Stanhope Road, Killara.
- The Planning Proposal seeks to facilitate a highly intensified redevelopment of the site increasing dwellings on the site by approximately a third.
- Whilst Council supports redevelopment of the site, there is no justification for the level of development being proposed, particularly where the residents are vulnerable elderly.
- In 2018 Council held discussions with RFS which was aligned with Council's extensive work in the bushfire space including assessing evacuation risk using the Cova model. At that time RFS did not support the planning proposal.
- Following Council's refusal, the applicant (Stockland) applied for a Rezoning Review with the Sydney North Planning Panel to contest Council's decision. The Sydney North Planning Panel decided in favour of the applicant enabling the proposal to be submitted to the Department of Planning and Environment for a Gateway Determination.
- Council declined to take the role of Responsible Planning Authority (RPA) to process a revised Planning Proposal. The RPA function now sits with the Sydney North Planning Panel and with the Department of Planning and Environment (Department) performing administration for the Panel.
- The Department have now issued a Gateway Determination enabling the exhibition of a revised Planning Proposal. The 30 day exhibition period closes on 27 September 2022.
- Council is preparing a submission recommending the Department refuse to progress the Planning Proposal for multiple reasons with bushfire risk at the forefront.
- Council has engaged CR Bushfire to assess the exhibited bushfire documents. They have found serious flaws in the proponent's bushfire assessment.
- The site has now been sold by Stockland to Canadian retirement home company.



Issues

- In 2018 Council was not prepared to be held in any way responsible for the intensified population on this site in the event of a fire event, and especially in any Coronial Inquest examining decision making enabling intensification of development on a high risk site. This position remains the same.
- Council is aware of the change in climate patterns and evidence that extreme weather events, including bushfire, are likely to become more frequent, and that such site will continue to grow in their risk.
- The proposal justifications dismiss the need for up front detail that would provide evidence that the issues of concern can be addressed, instead appearing to push through increased numbers of dwellings and populations via this Planning Proposal and defer key detail to the DA stage.
- The argument that double the work would have to be done in providing detail, once at DA and once now at planning proposal is a circular argument and not supported. Failure to provide the detail to actually support the increased standards on such a critical site would result in a negligent decision based on lack of evidence. Up front detailed analysis based on the applicant's urban study concept plan that underpins the increased standards has not been included. This detail is different to what would be provided for a future DA which by its nature would include a far more resolved and detailed site proposal.
- The DA stage will not facilitate reversal of the capacity of the site. It will be difficult to reduce dwelling numbers and populations on a site that has received Planning Proposal endorsement of the Department and other non-objecting agencies for the increase in standards enabling more dwellings and people residing on the land. Any future DA would argue the achievement of the development potential of the site and deliver compromised outcomes for the site. In addition, we are now seeing Courts and Panels supporting intense outcomes on DAs despite conflict with important strategic and local planning directions.
- Council supports a redevelopment of the site to improve outcomes for the site; however, no real justification has been provided on why a reduced amount of development that limits and protects the on and off site residents would not be possible on the site.
- During a meeting with the proponent, they said the RFS signed off on the whole Planning Proposal, but later corrected themselves upon further questioning, saying RFS agreed for the exhibition to proceed.
- The Planning Proposal and the Department's Gateway Report appear to present the RFS position as being in support of this proposal. This misinterpretation is problematic in an exhibition to other State agencies and to the public that might defer to RFS.

RFS

- RFS is aware of this site and issues surrounding it, internal discussions at various levels have been held particularly in light of the recent Ingleside proposal which was refused.
- RFS has met with the proponent and were shown some details regarding the proposal including on materials for the perimeter townhouses aiming to provide shielding to the seniors housing. Discussion included talk on boundary shields, tilt cladding, escape tunnels and the requirement to demonstrate compliance with Chapter 9 of AS3959:2018.
- RFS were shown documents with more detail by the proponent during their meetings. The level of information provided to RFS in meetings with the proponent is missing from the exhibition documents (downloaded from the Department's exhibition planning portal by CR Bushfire).
- The proponent verbally agreed to not allowing vulnerable people on the outer ring of the site and was questioned on how they would govern that. This is still unclear.



Lourdes Retirement Village – RFS Meeting

- Proponent was advised that RFS support for the planning proposal to go on exhibition was contingent on them being up front with information to the public, particularly the risk analysis and engineering brief.
- RFS has not endorsed nor expressed support for this planning proposal. RFS has only given support for the exhibition of the planning proposal provided the required briefs and reports are exhibited to justify the proposal against the strategic principles of, and ongoing compliance with, Planning for Bush Fire Protection 2019.
- Department of Planning has contacted RFS regarding this proposal and various discussions have been held. Understands there was previous discussion to limit development to inside First Ave on the site, this would provide the required separation and remove significant areas of risk.
- Evacuation of residents would require early and quick response, particularly of vulnerable elderly. It is unclear where the populations could be relocated to, given their age and health status and the type of accommodation they would require in replacement.
- The level of RFS capability would need to be high to deal with any event in this location given the site location and orientation and the likely movement of winds around the site that shifts the threat from one side to another. RFS noted there would be no increase to the existing road network.
- Similarities to The Landings off Bobbin Head Rd, North Turrumurra were pointed out and the understanding that Ku-ring-gai has many similar bushfire risk sites to the Lourdes site that might seek the same resolution with limited up front information.
- Cannot always successfully plan early evacuation as many fire events that have caused destruction have occurred on non-catastrophic days where the alerts are not as acute as they would be for extremer conditions.
- Not aware of RFS having received any referral from Department and the requirement to comment on the proposal within a limited timeframe.

CR Bushfire

- The Bushfire reports on exhibition have no detail nor evidence to justify the proposal. They only provide a theoretical model of how a proper analysis could be undertaken under the performance model and deflect detail to the DA stage when it will be too late to argue against the increase in population and dwellings on the site.
- The exhibited bushfire documents by BlackAsh includes an engineering compliance strategy but it contains no substance and no detail. The exhibition of bushfire related documents does not include a strategic brief, lacks any building and engineering evidence, and contains no risk assessment. There is very little evidence to the BlackAsh report, and no risk assessment which is a basic requirement. It is unclear why the detail has not been provided to demonstrate the effectiveness of their proposal.
- Approval of this Planning Proposal will set a dangerous precedent for the Ku-ring-gai area which has many similar sites and aged housing facilities which will follow suit to intensify development on similarly unsuitable sites.
- An unacceptable precedent will also be set across NSW as the application of planning proposals is the same across the State.
- The attached Development Control Plan (DCP) accompanying the Planning Proposal has not included any standards that would tie future development into delivering bushfire safe site design and development standards in accordance with the performance model. This is because no performance model detail has actually been presented to justify the increased dwellings on the site.
- There are concerns regarding the ring of townhouses and the proponent's statement to fire rate the buildings so they protect the aged housing that sits uphill of them. The Urban Study diagram indicates that the walls are not continuous thereby allowing a path of fire travel. Also without direct controls in the proposed DCP to require that continuous wall or a certain type of building footprint, the design at DA could propose larger gaps or a completely different layout.



Lourdes Retirement Village – RFS Meeting

- Given the steep slope of the site and the position of the townhouses at the bottom of the slope, even if a defensible wall could be created, it would not prevent ember attack which would easily travel over the line of townhouses.
- The urban design site layout does not consider adequate APZ provision on the site. The APZ must be provided on their own site and not within Council’s heritage listed bushland park adjoining the development.
- There is a real concern on the proposed small defensible space for firefighters affecting their safety during any fire incident. A Court ruling found that whilst there may be a management plan to evacuate residents safely, the safety of firefighters was equally important and led to a refusal.
- There is no mechanism to ensure the ring of townhouses will not be used for seniors housing in the future. There is no proposal to excise that parcel of land and apply different standards to those applying to the senior’s living area. There is no mechanism to guarantee that future residents that buy and move into those townhouses will not be disabled or elderly.
- Site re-development is good but the amount of development proposed is excessive, unresolved, unjustified and lacking any evidential backing.
- The development proposal would ideally remove all development beyond the existing First Ave. Concern is that the proponent would retain the existing outer ring of existing dwellings on the site unless there is a mechanism to tie demolition and no development permitted on that land into the standards.
- Proponents were repeatedly requested to provide a briefing to Council on the bushfire model to assist in understanding how this proposal was an improvement on the previous proposal that was not supported by RFS nor Council. In a short presentation, BlackAsh showed a diagram with numerous evacuation tunnels (not included in any of the exhibition documents) leading to a defensible space in the building at the street. There appears to be an assumption that Council should accept such models without the detail to demonstrate the model works. For example, no detail was given on how populations of varying abilities would travel uphill along those tunnels due to the topography, and how such extended tunnels would be safely and continuously ventilated especially if power to the site is compromised. The performance model is not at all substantiated and cannot be accepted as justification to bushfire concerns of increased development on this site.
- A strategic bushfire study is currently being conducted by Council’ Bushfire Technical Officer using fire run and fire intensity analyses provided by Redeye Pty Ltd to inform on high risk areas such as the Lourdes site that were not subject to stricter planning standards applied to land on the peninsula locations across the local government area. This study has picked up on the Lourdes site and demonstrates the high risk of fire threat. This study emphasizes the absolute need for the absent detailed resolution and evidence on how the proposed concept plan can deliver a bushfire safe development outcome with the development intensification being proposed. It is noted that a similar study was instrumental in the refusal of the Ingleside proposal.

Geoff Kwok

Subject: FW: Lourdes Village - RFS satisfied with performance based approach to satisfy the Ministerial Direction s9.1 requirements

From: Mathew Smith <Mathew.Smith@rfs.nsw.gov.au>

Sent: Tuesday, 18 January 2022 10:46 AM

To: Susan Fox <Susan.Fox@planning.nsw.gov.au>; David Petrie <david.petrie@planning.nsw.gov.au>

Cc: Corey Shackleton <corey.shackleton@blackash.com.au>; Lucas Flecha <Lucas.Flecha@stockland.com.au>; Brendan Metcalfe <Brendan.Metcalfe@planning.nsw.gov.au>; Nika Fomin <Nika.Fomin@rfs.nsw.gov.au>; Craig Casey <Craig.Casey@rfs.nsw.gov.au>

Subject: RE: Lourdes Village - RFS satisfied with performance based approach to satisfy the Ministerial Direction s9.1 requirements

Hi Susan/David,

Based on the following information/table provided by Blackash/Corey:

- The NSW RFS is satisfied that the proposed performance-based approach is appropriate to satisfy the 9.1 Direction;
- Notwithstanding the performance-based approach, the NSW RFS does not object to the progression of the planning proposal.

Whilst not part of the formal assessment criteria, in consultation with Hornsby Ku-Ring-Gai District Manager, Superintendent Mark Sugden, any bush fires impacting the site would be burning under an easterly/south easterly influence (typically cooler temperature). As the site is within Fire District and adjacent to Rural Fire District, the site would experience a significant weight of attack from FRNSW/NSW RFS (ground based and potentially airborne assets), which would minimise fire behaviour.

If you require further clarification, please let me know asap.

Cheers,

Superintendent Mathew Smith | Director Built & Natural Environment
NSW RURAL FIRE SERVICE

Ministerial 4.4. Planning for Bush Fire Protection

Objectives:

Part 1	Comment	Complies
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<p>The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.</p>	<p>The planning proposal will be designed in accordance with the NSW RFS approved <i>Bushfire Engineering Design and Compliance Strategy</i>. This was developed in consultation with the NSW RFS and identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019.</p> <p>The planning proposal creates a significantly better bushfire outcome than what currently exists (entire site developed with non-compliant aged care).</p> <p>The future development will comply with PBP 2019 through a performance-based approach with is an accepted compliance pathway.</p>	<p>YES</p>
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Where the Direction Applies:

Part 2	Comment	Complies
<p>This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p>The site is within a local government area who has prepared a bushfire prone map, therefore the direction applies.</p>	<p>YES</p>

When this Direction Applies:

Part 3	Comment	Complies
<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p>	<p>The site is bushfire prone, therefore the direction applies.</p>	<p>YES</p>

What a relevant planning authority must do if this direction applies:

Part 4	Comment	Complies
<p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of Schedule 1, clause 4 of</p>	<p>The NSW RFS have been consulted and have supported the proposed Planning Proposal (late 2020 and again in 2021).</p> <p>The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020.</p> <p>The NSW RFS supported the proposed Planning Proposal subject to compliance with the <i>Bushfire Engineering Design and Compliance Strategy</i>.</p>	<p>YES</p>

the Act, and take into account any comments so made,		
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Part 5 <i>A Planning Proposal must:</i>	Comment	Complies
a. <i>have regard to Planning for Bushfire Protection 2019;</i>	The site can support appropriate APZ . The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019. Any future development will comply with these agreed design principles (and therefore PBP 2019).	YES
b. <i>introduce controls that avoid placing inappropriate developments in hazardous areas; and</i>	Any future development can, and will, comply with <i>Planning for Bush Fire Protection 2019</i> . This provides a framework of bushfire protection and design parameters that fundamentally ensures inappropriate developments aren't placed in hazardous areas. The site is already developed for the purposes of a SFPP and the future development will significantly reduce the exposure of vulnerable residents and provide a bushfire safety outcome (through a suite of performance-based measures) that far exceeds that required through a typical 'Acceptable Solutions' approach.	YES
c. <i>ensure that bushfire hazard reduction is not prohibited within the APZ.</i>	Bushfire hazard reduction is not prohibited within the APZ. The APZ will ensure legally that hazard reduction is ongoing and maintained.	YES

Part 6: <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i>	Comment	Complies
a. <i>provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> i. <i>an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i>	The proposal provides an APZ which incorporates the following: <ul style="list-style-type: none"> • An Inner Protection Area bounded by a perimeter road which circumscribes the adjoining hazard and has a building line consistent with the incorporation of an APZ, within the property; • The entire site will be managed as an Inner Protection Area; • No Outer Protection Area is proposed. 	YES

Part 6: <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i>	Comment	Complies
ii. <i>an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road;</i>		
b. <i>for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with;</i>	<p>The site can support appropriate APZ which comply with the performance intent of PBP 2019. This is an acceptable approach as PBP 2019 is a 'Performance-based' document. This means the APZ aren't determined based on Table A1.12.1 of PBP 2019, rather the APZ and the development itself is designed to achieve the appropriate performance as provided by PBP 2019.</p> <p>This is an acceptable compliance approach and has been agreed by the NSW RFS.</p> <p>The development concept has been designed to ensure the most vulnerable occupants (SFPP) are located furthest from the bushfire hazard. The design provides for 3 distinct development zones based on vulnerability:</p> <ol style="list-style-type: none"> 1. <u>Residential</u> - located closest to the hazard, providing an outer ring of shielding to the site; 2. <u>Independent Living (SFPP)</u> – provided further away from the bush and shielded by the residential development; and 3. <u>Aged Care (SFPP)</u> – provided furthest away from the bush, shielded by the ILU and residential areas. <p>The Aged Care building is in an area with very low radiant heat and will be constructed to provide an onsite refuge for all residents.</p> <p>The design will ensure all occupants across the site can move from their place of residence into the 'safer areas' without exposure to dangerous levels of radiant heat. For additional redundancy, the buildings themselves will also be designed to allow residents to 'shelter in place'.</p> <p>The residential buildings will be located, designed, and constructed to ensure appropriate safety as applicable for residential development.</p> <p>In this regard, the APZ provisions will be complied with through a performance-based approach.</p>	YES
c. <i>contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks;</i>	<p>The road layout will be two-way and designed as a 'through road' network with multiple links to Stanhope Road and the perimeter road.</p>	YES
d. <i>contain provisions for adequate water supply for firefighting purposes;</i>	<p>The site is serviced by reticulated water and all future development provided with hydrants in accordance with AS2419 and water provisions of PBP 2019.</p>	YES

Part 6: A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:	Comment	Complies
e. minimise the perimeter of the area of land interfacing the hazard which may be developed; and	<ul style="list-style-type: none"> The perimeter of the site includes a perimeter road; The design of the development will be 'simple' to minimise the interface with the bushland; The design ensures the more 'vulnerable' residents are located furthest away from the bush fire hazard, creating the lowest possible risk profile for the site. The planning proposal creates a significantly better bush fire outcome than what currently exists. The future development will comply with PBP 2019. 	YES
f. introduce controls on the placement of combustible materials in the Inner Protection Area.	Controls will be created as part of the Development Application process and the conditions associated with the required APZ.	YES

Consistency:

Part 7	Comment	Complies
A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.	<p>The NSW RFS have supported the proposed Planning Proposal and performance-based approach.</p> <p>The <i>Bushfire Engineering Design and Compliance Strategy</i> was developed in consultation with the NSW RFS and approved in 2020.</p> <p>The NSW RFS supported the proposed Planning Proposal subject to compliance with the <i>Bushfire Engineering Design and Compliance Strategy</i>.</p> <p>The strategy identifies a suite of design measures that need to be incorporated to ensure compliance with the Aim and Objectives of PBP 2019. Any future development will comply with these agreed design principles (and therefore PBP 2019).</p>	YES

From: Mathew Smith <Mathew.Smith@rfs.nsw.gov.au>

Sent: Tuesday, 16 November 2021 11:19 AM

To: David Petrie <david.petrie@planning.nsw.gov.au>

Cc: Lucas Flecha <Lucas.Flecha@stockland.com.au>; Corey Shackleton <corey.shackleton@blackash.com.au>; Brendan Metcalfe <Brendan.Metcalfe@planning.nsw.gov.au>

Subject: RE: Lourdes Village

Hi David,

Please go ahead and proceed to the next stage.

Cheers,

Superintendent Mathew Smith | Director Built & Natural Environment
NSW RURAL FIRE SERVICE

From: David Petrie <david.petrie@planning.nsw.gov.au>

Sent: Tuesday, 16 November 2021 11:17 AM

To: Corey Shackleton <corey.shackleton@blackash.com.au>; Mathew Smith <Mathew.Smith@rfs.nsw.gov.au>

Cc: Lucas Flecha <Lucas.Flecha@stockland.com.au>

Subject: RE: Lourdes Village

Hi Corey,

Thanks for coordinating tis outcome. All I require is an acknowledgement from RFS of the below and this can be submitted to the Department.

Regards

David

David Petrie
Director Harbour City

Planning Delivery Unit | Department of Planning, Industry and Environment

M 0491 444 153 | **E** david.petrie@planning.nsw.gov.au

4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150.

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The Department of Planning, Industry and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

From: Corey Shackleton <corey.shackleton@blackash.com.au>

Sent: Tuesday, 16 November 2021 10:55 AM

To: David Petrie <david.petrie@planning.nsw.gov.au>; Mathew Smith <Mathew.Smith@rfs.nsw.gov.au>

Cc: Lucas Flecha <Lucas.Flecha@stockland.com.au>

Subject: Lourdes Village

Good morning gents,

Further to our discussions last week I have updated the bushfire report (attached) for the Planning Proposal to include more 'plain English' details around the construction, etc.

I have added in detail throughout the relevant sections of the report, but principally its summarised in the Introduction as follows:

"The Bushfire Hazard Assessment analyses the bushfire matters pertaining to the site and the ability to address bushfire issues relevant to the rezoning. The NSW RFS have endorsed the rezoning and noted that any future DA approval must comply with the *Bushfire Engineering Design Compliance Strategy* and requires Bush Fire Safety Authority (BFSA) under s100B of the *Rural Fires Act 1997* (RFA).

While not part of the assessment criteria, given its location, any bushfires impacting the site would be burning under what is typically a cooler easterly or south-easterly wind and considerable fire brigade intervention would likely see significant firefighting resources available at the site.

While the NSW RFS have not 'approved' any development at this stage, their support for the rezoning is based on the above operational realities of the site, coupled with:

- The considerable building protection measures that all buildings will be provided (i.e. constructed with one hour fire rated external walls and internal sprinklers) which is over and above the typical requirements;
- The introduction of the residential development on the interface (replacing the current Independent Living) ensuring the more 'at risk' residents are located further away from the bushland and shielded by the residential development. This significantly reduces the bushfire risk profile;
- The unique layout and construction of the site which provides for radiant heat shielding and an integrated underground network of pedestrian accessways leading to the basement carpark and into the refuge building. This underground network and radiant heat shielding enables all residents to move safely to the onsite refuge; and
- The occupation of the site being carefully managed to ensure residents aren't adversely exposed to bushfire events.

Should the NSW RFS not issue a BFSA at the DA stage, the site would simply remain 'as-is' until such DA consent can be obtained.

Based on design and the proposed performance-based bushfire protection strategy, the bushfire safety outcome created for the site is considered significantly better than what may be provided through a 'typical' deemed-to-satisfy approach."

David, I understand that Mat is comfortable with this now, but just wanted to check that you guys are agreeable that we can now submit the updated report to DPIE as part of the package for the Planning Proposal and allow things to move to Public Exhibition.

Any questions, suggestions or concerns, please don't hesitate to give me a call.

Many thanks.

Corey Shackleton

Principal Bushfire & Resilience | Blackash Bushfire Consulting

FPAA BPAD Level 3 - 34603

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Part 4 - Urban Design Assessment

- Urban Design Consideration
- Assessment of Proposed DCP

The exhibited planning proposal documentation lacks detail and fails to provide enough information to directly understand the bulk, scale and interface impacts of the master plan underpinning the proposed increased standards.

Ku-ring-gai Council requested, with concurrence from DPE, the proponent provide Council access to information to assist in the understanding of the proposal and its assessment. The proponent, File Planning & Development Services, refused. Council's has prepared its own modelling to assist in this urban design consideration.

The Urban Design Assessment recommends

- A.** that the planning proposal be refused;
- B.** that should a new planning proposal be submitted, that it provide full and frank disclosure of detail required to enable Council and other Agencies to make assessment including the following:
 - 1.** Develop a more holistic urban design strategy which reduces the amount of development on the land to ensure a balanced approach that places the development potential aspirations at equal measure with consideration of ecological and heritage site attributes, and with respect to adjacent heritage, bushland and bushfire hazard.
 - 2.** Provide built form of a scale and bulk to the entire site that:
 - responds to the highly visible of the site and reduces building heights at the ridgeline to remove the dominating appearance of the built form in its heritage and landscape context and above the intact tree skyline;
 - incorporates smaller building footprints to reduce built upon area and enable provision of deep soil landscaping to sustain canopy trees particularly to the ridgeline of the site maintaining the intact tree line to the skyline at this location;
 - demonstrates consideration of the onsite and adjacent sensitivities of ecology and heritage associations, and integration with the low density neighbourhood character, heritage conservation area and heritage bushland setting edges;
 - enables greater deep soil areas along the ridgeline and between buildings across the site to support onsite ecological values, reduction of heat island effects, integrity of soil structures, sub surface water movement, limiting hard surface runoff pollutants into Seven Little Australian Park.
 - 3.** Reduce the building height across the site to present as

- 2 storey to the Stanhope Road frontage, 91 Stanhope Road boundary and to the bushland fringe areas proposing non-seniors housing;
 - 3-4 storey to the centre of the site proposed for seniors housing.
4. Exclude all townhouse typology from the fringe of the development and replace with single detached dwellings contiguous with the local area character to
 - remove inappropriate hard edge, 3 storey, continuous wall development on the heritage item and HCA bushland fringe, including associated multiples of driveways and hard landscaping;
 - reduce population on the parts of the site with highest bushfire risk.
 5. Remove the driveway access adjacent to 91 Stanhope Rd and retain the existing central road as the main entry into and out of the development to ensure amenity is preserved to the neighbouring property: including noise reduction and pollution from cars, loading vehicles, garbage trucks and all other supply trucks entering the underground basement and internal roadways.

A draft site specific DCP has been submitted with the planning proposal. Assessment of this DCP is included in this Part 3.

1. Given the extent of the missing information in the urban design report able to inform the proposed DCP with evidenced development controls and objectives, the failure of the draft DCP to relate to the KDCP and the wider controls applicable across Ku-ring-gai, it is recommended that the exhibited DCP be rejected.
2. That the planning proposal be resubmitted with amended proposed zoning, height, FSR and other standards that remove the requirement for a site specific DCP. This will ensure consistency of development assessment of the site development with State and Local policy by
 - facilitating the assessment of seniors housing under the Housing SEPP; and
 - facilitating the assessment of non-seniors housing under the existing standards of the KDCP.
3. That a comprehensive and detailed urban study and masterplan accompany the resubmitted planning proposal with detailed provisions, including finite measurement and numerical standards regarding site specific issues. This will enable translation into a DCP if required, including but not limited to the following:
 - bushfire safe built form;
 - treatment of Headfort House as a potential heritage item;
 - delivery of deep soil provisions and tree canopy planting.
4. That if a site specific DCP is required, Council prepare the DCP based on detailed provisions included in the planning proposal urban design report, with all expenses for the preparation charged to the proponent in accordance with Council's fees and charges.

CONTENTS

- Urban Design Consideration
- Appendix A - Gateway Determination Report, Attachment G - Urban Design Advice, DPE

URBAN DESIGN CONSIDERATION

Lack of adequate information in the planning proposal

The exhibited planning proposal documentation lacks detail and fails to provide enough information to directly understand the bulk, scale and interface impacts of the master plan underpinning the proposed increased standards.

- Both the plans and sections do not include RLs nor basic built form measurements to verify the accuracy of material provided.
- The very limited information prevents precise understanding of building dimension and quantum of key elements that speak to the impacts and amenity of the proposal, such as open space provision, deep soil landscaping, built upon areas and building separation etc.
- The lack of detail diminishes the credence of the planning proposal's studies that imply the substantial scale of the proposal will have negligible impacts on the amenity and safety of residents on the site and in the neighbourhood, on the intact heritage settings, on the bushland landscape character of the area, on the ecology, biodiversity and tree canopy.

Ku-ring-gai Council requested, with concurrence from DPE, the proponent provide Council access to information to assist in the understanding of the proposal and its assessment.

The proponent, File Planning & Development Services, refused.

Council has extrapolated information from the planning proposal documents and conducted its own studies to assess the impacts that would result from the proposed increased standards on the site.

The following documents have been considered in this urban study:

- *Planning Proposal*, FPD Pty Ltd on behalf of Stockland
- *Urban Design Report*, Plus Architecture
- *Draft Site Specific DCP*, FPD Pty Ltd
- *Ecological Assessment*, ACS Environmental Pty Ltd
- *Aboriginal Impact Appraisal and Method Statement*, Naturally Trees

Consideration has also been given to

- *Gateway Determination Report*, DPE - Table 13 response to urban design recommendations
- *Gateway Determination Report, Attachment G - Urban Design Advice*, DPE Urban Design Branch (attached to this study)

Urban Design Consideration

Planning Proposal PP-2022-658

To rezone, increase height and FSR at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village)

Recommendations

Given the multiple issues arising from the bulk and scale of this planning proposal, and its failure to address the strategic merit and site specific merit considerations, including the multiple constraints and sensitivities of this site, it is recommended

- A. that the planning proposal be refused;
- B. that should a new planning proposal be submitted, that it provide full and frank disclosure of detail required to enable Council and other Agencies to make assessment including the following:
 1. Develop a more holistic urban design strategy which reduces the amount of development on the land to ensure a balanced approach that places the development potential aspirations at equal measure with consideration of ecological and heritage site attributes, and with respect to adjacent heritage, bushland and bushfire hazard.
 2. Provide built form of a scale and bulk to the entire site that:
 - responds to the highly visible of the site and reduces building heights at the ridgeline to remove the dominating appearance of the built form in its heritage and landscape context and above the intact tree skyline;
 - incorporates smaller building footprints to reduce built upon area and enable provision of deep soil landscaping to sustain canopy trees particularly to the ridgeline of the site maintaining the intact tree line to the skyline at this location;
 - demonstrates consideration of the onsite and adjacent sensitivities of ecology and heritage associations, and integration with the low density neighbourhood character, heritage conservation area and heritage bushland setting edges;
 - enables greater deep soil areas along the ridgeline and between buildings across the site to support onsite ecological values, reduction of heat island effects, integrity of soil structures, sub surface water movement, limiting hard surface runoff pollutants into Seven Little Australian Park.
 3. Reduce the building height across the site to present as
 - 2 storey to the Stanhope Road frontage, 91 Stanhope Road boundary and to the bushland fringe areas proposing non-seniors housing;
 - 3-4 storey to the centre of the site proposed for seniors housing.
 4. Exclude all townhouse typology from the fringe of the development and replace with single detached dwellings contiguous with the local area character to
 - remove inappropriate hard edge, 3 storey, continuous wall development on the heritage item and HCA bushland fringe, including associated multiples of driveways and hard landscaping;
 - reduce population on the parts of the site with highest bushfire risk.
 5. Remove the driveway access adjacent to 91 Stanhope Rd and retain the existing central road as the main entry into and out of the development to ensure amenity is preserved to the neighbouring property: including noise reduction and pollution from cars, loading vehicles, garbage trucks and all other supply trucks entering the underground basement and internal roadways.

Urban Design Consideration

Planning Proposal PP-2022-658

To rezone, increase height and FSR at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village)

Comment on DPE assessment

The Urban Design Branch of the Department's Planning and Land Use Strategy division were requested to provide a design review of the planning proposal. The comments (Appendix A) considered the proposal required further consideration, particularly with regard to building bulk and scale, solar access and landscape response.

The DPE Urban Design Branch state

"The retirement facility is located in an area of incredible natural beauty, in a bushland setting adjoining significant parks of the area... This landscape setting is one of the key driving factors in the review of the planning proposal and the desire to adjust controls, and it is considered that the landscape should dominate the site, not built form."

The DPE Urban Design Branch recommendations and the Gateway determination comment (Table 13) is considered in the below table. It is noted that the Gateway report seeks to defer key investigations to a later stage. This is not accepted as these parameters are required to assess the adequacy of the planning proposal's intensification of standards.

DPE Urban design advice - Recommendation	DPE Gateway Determination report (Table 13) - Comment	Ku-ring-gai Council Comment										
<p>1. Review the built form of all buildings over 4 storeys as indicated in the diagram in Figure 1 (of Attachment A12). This should include developing a more holistic strategy which incorporates smaller footprints and reintroduces natural bushland into the northern part of the site.</p>	<p>The planning proposal and design concept have both been reviewed and amended since the Rezoning Review in 2018, with a reduction of overall height and relocation of built form across the site. The Urban Design Report (Attachment A12) includes a landscape concept that considers the re-establishment of bushland in certain areas of the site, including the along the interface with Stanhope Road.</p>	<table border="1"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>✓</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	✓	DPE Gateway Comment	X				
		COUNCIL AGREEMENT										
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		<table border="1"> <thead> <tr> <th>STANDARDS OF:</th> <th>HEIGHT</th> </tr> </thead> <tbody> <tr> <td>Surrounding area</td> <td>9.5m (2 storey)</td> </tr> <tr> <td>Existing development</td> <td>9.5m (2 storey)</td> </tr> <tr> <td>2018 planning proposal</td> <td>24m (8 storey) 22m (7 storey) 11.5m (3 storey) 9.5m (2 storey)</td> </tr> <tr> <td>2022 planning proposal</td> <td>22m (7 storeys) 20.5m (6 storeys) 16m (5 storeys) 14.5m (4 storeys) 11.5m (3 storeys) 9.5m (2-3 storeys)</td> </tr> </tbody> </table>	STANDARDS OF:	HEIGHT	Surrounding area	9.5m (2 storey)	Existing development	9.5m (2 storey)	2018 planning proposal	24m (8 storey) 22m (7 storey) 11.5m (3 storey) 9.5m (2 storey)	2022 planning proposal	22m (7 storeys) 20.5m (6 storeys) 16m (5 storeys) 14.5m (4 storeys) 11.5m (3 storeys) 9.5m (2-3 storeys)
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<p>note: 3m = 1 storey</p>												
<p>Although the 2022 proposal reduces the 2018 proposal heights of some buildings, it continues to be a gross over-development of the site with substantial buildings that have:</p>												
<ul style="list-style-type: none"> • 5-7 stories located at the highest and most visible point in this area at the ridgeline north of the site and fronting the low density 1-2 storey neighbourhood of Stanhope Rd; • building heights continue to dominate the landscape, creating a built form focal point from multiple vantage points, including culminating the sweeping views across the heritage listed bushland to its south and east; • large footprints across the entire site, including the attached townhouses to the south and east, that prevent any meaningful deep soil landscaping able to shade, reduce heat island effects, preserve the integrity of soils and rainwater infiltration; • requirement to remove significant numbers of existing trees - 59% removed and 37% potentially disturbed as stated in the planning proposal's Aboricultural Appraisal; 												

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To rezone, increase height and FSR at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village)

		<ul style="list-style-type: none"> extensive basements extending beyond the building footprint connecting the multiple high rise buildings, denuding the ground at the critical ridge point, removing all deep soil and any ability to incorporate elements of meaningful landscape setting. 						
2. Incorporate key dimensions on built form to indicate building depths	<p>The review considers that the plans should provide more detail on dimensions to indicate building depths. A Gateway condition requiring the draft DCP to consider appropriate building depths has been recommended.</p>	<table border="1"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>√</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>The planning proposal Urban Study provides minimal and insufficient detail to clearly see the built form the proposal will deliver and appears to hide the likely impacts.</p> <p>The sections are of a scale that does not enable clarity of understanding, nor do they provide key sections demonstrating the relationship of the proposal with 91 Stanhope Rd which will be the most impacted existing dwelling.</p> <p>The lack of RLs precludes accurate verification of the information provided, particularly with regards to building height. In addition, both the plans and sections do not include basic dimensions of built form to determine the provisions of landscaping, built upon areas and building separation on the site.</p> <p>The study also includes view diagrams that imply the massive scale of the proposal will have negligible impacts on the intact heritage and bushland landscape character of the area</p> <p>The planning proposal does not provide controls relating to the consideration of building depths as recommended by the Gateway conditions. The planning proposal has stated “Building depth will be in accordance with the ADG, so no controls have been included in the draft Site Specific DCP”. This is not accepted as the lack of detail does not give evidence to the design being able to comply with the controls of the ADG and KDCP. This type of detail is required to justify the increased standards for the site.</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	√	DPE Gateway Comment	X
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	√							
DPE Gateway Comment	X							
3. Review the built form in relation to the topography and investigate ways to provide an outcome which works with the slope of the site and can ‘nestle’ into the site, reducing built form impacts of scale domination.	<p>The Draft DCP (Attachment A12) includes a provision to consider the site’s topography by stepping buildings into the slope of the site to minimise visible height and bulk.</p>	<table border="1"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>√</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>The proposal does not adequately consider the site nor its surrounding context. It appears to have a pre-determined site potential that is put onto the site regardless of the site’s unique features and constraints.</p> <p>Contrary to the Department’s Gateway assessment, the proposed DCP does not provide adequate consideration of how the built form relates to the site and its setting. It places the tallest buildings at the highest part of the site where their bulk and scale is emphasized and forms a substantial protrusion above the tree canopy creating an intrusive visual focal point in the landscape. This is made even more unacceptable in the context of the heritage item bushland to the south and east at Seven Little Australians Park and Lindfield Soldiers Memorial Park and the cultural landscape setting and views of those items.</p> <p>The buildings at the ridge have not been stepped down as suggested by the Gateway report.</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	√	DPE Gateway Comment	X
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	√							
DPE Gateway Comment	X							
4. Review the side setbacks of the southern-most and eastern terraces to ensure there the built form sits more comfortably in the landscape and nestled	<p>It is noted that beyond the site’s southern and eastern boundaries, the bushland is classified as bushfire prone land Vegetation Category 1. The proposed setback of the townhouses from the southern and eastern</p>	<table border="1"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>√</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>The recommendation of the Gateway determination to consider the townhouse interface with adjoining bushland and provide a softer</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	√	DPE Gateway Comment	X
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	√							
DPE Gateway Comment	X							

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<p><i>into the bushland, rather than dominating.</i></p>	<p>boundaries provides a separation between the residential uses and the bushland.</p> <p>The proposed townhouses form part of the illustrative master plan (Attachment A2) which is referenced in the Bushfire Engineering Design and Compliance Strategy (Attachment A6) and supported by the RFS (Attachment F).</p> <p>A Gateway condition requiring the Urban Design Study to further consider the townhouse's interface with the adjoining bushland to the south and east has been recommended as the comments suggest that it presents as a hard built edge to surround bushland. A softer bushland edge with the built form should be considered as part of the design and DCP controls.</p>	<p>bushland edge with the built form has not been satisfied in the exhibited planning proposal.</p> <p>The Gateway report suggests the proposed townhouses have been "supported by the RFS". This is incorrect. Council met with RFS to discuss the proposal and were told that no concurrence had been given by RFS on the proposal.</p> <p>In addition, the Gateway report's suggestion that the "setback of the townhouses from the southern and eastern boundaries provides a separation between the residential uses and the bushland" is also incorrect as evidenced by Council's bushfire study by CR Bushfire at Part 3 of Council's Submission.</p>						
<p>5. Review solar impacts in line with recommendations 1 and 2.</p>	<p>A Gateway condition requiring the planning proposal to be updated to consider the following has been recommended:</p> <ul style="list-style-type: none"> • Identification and analysis of townhouses that will not meet the Ku-ring-gai DCP 2021 requirements for solar access. • Inclusion of precedents where the design solutions proposed have been adopted to improve solar access. 	<table border="1" data-bbox="756 1120 1445 1211"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>✓</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>✓</td> </tr> </tbody> </table> <p>The planning proposal has not met the Gateway conditions regarding</p> <ul style="list-style-type: none"> • analysis of townhouses that will not meet the KDCP • precedents where the design solutions proposed have been adopted to improve solar access <p>The planning proposal does not adequately address the Gateway conditions including on solar access and precedence. Insufficient relevant analysis of the townhouse component has been provided.</p> <p>Affected townhouses have been marked in the Urban Design Report but no change to the layout has been included to improve solar access.</p> <p>The precedent included in the Urban Design relates to a Town Centre development for Edmonson Park and demonstrates that this type of townhouse development is appropriate in urban centres where reduced solar access may be accepted. This density and design is not suitable in a bushland setting such as this site. If townhouses are provided on this site they must be consistent with the KDCP which delivers high quality medium density housing appropriate for this locality.</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	✓	DPE Gateway Comment	✓
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	✓							
DPE Gateway Comment	✓							
<p>6. Review the place analysis already undertaken and strengthen the landscape concept as the lead design idea, forming clear place specific design</p>	<p>The landscape concept is considered to provide sufficient detail for public exhibition. It is noted that further refinement of the landscape design would be required as part of the DA stage and updates to the draft DCP should address</p>	<table border="1" data-bbox="756 1865 1445 1957"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>✓</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>The landscape concept is highly insufficient. It provides generalised ideas and very limited specific information relating to landscaping provision on the subject site.</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	✓	DPE Gateway Comment	X
COUNCIL AGREEMENT								
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<p><i>principles to support the narrative</i></p>	<p>the landscaping controls and interface with adjoining bushland.</p>	<p>Without clearly stipulated controls regarding landscape provision mandated in the DCP, there is no obligation for its delivery through a DA.</p> <p>Given the important landscape context of this site, consideration of the landscape provision across the entire site, including deep soil and planting of appropriate vegetation and tall canopy trees must be detailed in the planning proposal's urban study to demonstrate whether the site intensification is suitable and whether sustainable landscaping and retention of onsite trees and vegetation is possible.</p>						
<p>7. Refer to Connecting with Country for strategies to integrate cultural principles into the site.</p>		<table border="1" data-bbox="756 539 1444 629"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>✓</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>The landscape setting surrounding the south and east of the site is highly likely to contain Aboriginal cultural heritage. The planning proposal gives no regard to the setting nor any aspect of the cultural landscape and makes little real attempt to integrate and be subservient to the historical and likely ancestral landscapes of this location.</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	✓	DPE Gateway Comment	X
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	✓							
DPE Gateway Comment	X							
<p>8. Research appropriate local precedents which demonstrate the idea of designing within a bushland setting, such as Sydney School architects who designed within bushland settings. Develop design principles based on this research.</p>	<p>The Urban Design Study provides a number of landscaping precedents, albeit not specific to local examples. It is considered that further precedents would be investigated as part of a detailed landscape design which would be required as part of the DA stage.</p>	<table border="1" data-bbox="756 902 1444 992"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>✓</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>Deferring detailed landscape provisions for inclusion into a site specific DCP will enable future development designs to dictate the parameters for landscape inclusion.</p> <p>Deferral of the standards means no mechanisms are put in place through this planning proposal that ensure delivery in any future development application.</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	✓	DPE Gateway Comment	X
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	✓							
DPE Gateway Comment	X							
<p>9. Review the draft site specific DCP to ensure it responds adequately to the important design qualities, focused on a landscape led approach</p>	<p>The draft DCP is considered to have considered landscaping requirements for public exhibition. It is noted that further refinement of the landscape design would be required as part of the DA stage and further updates to the draft DCP should address the landscaping controls and interface with adjoining bushland.</p>	<table border="1" data-bbox="756 1283 1444 1373"> <thead> <tr> <th colspan="2">COUNCIL AGREEMENT</th> </tr> </thead> <tbody> <tr> <td>DPE Urban Design Recommendation</td> <td>✓</td> </tr> <tr> <td>DPE Gateway Comment</td> <td>X</td> </tr> </tbody> </table> <p>The DPE Urban Design Advise states that “site specific DCP provided lacks any meaningful detail. Development of stronger place specific design principles once the Place Analysis and landscape concept are revisited will form the basis for the DCP”.</p> <p>Council agrees that the draft DCP is poorly constructed and inconsistent with Ku-ring-gai's DCP which adopts a strong place-based approach.</p> <p>It has not adequately considered nor included controls that would ensure delivery of the “quality” development the proposal repeatedly refers to. Further, the draft DCP cherry picks standards from the KDCP to suit its site. This is not acceptable and sets a precedent for other planning proposals to do the same.</p> <p>Council has not been consulted about the inclusion of standards in Council's KDCP and is not in agreement of a proponent directing the content of Council's DCP.</p> <p>Deferring consideration of controls as suggested by the Gateway report is not supported. Key elements such as landscape provision are directly related to FSR standards and must be determined at this planning proposal stage to understand if the FSR being sought is suitable.</p> <p>It seeks to include standards that sub-par to those of the KDCP and enable development that would not be approved in the Ku-ring-gai</p>	COUNCIL AGREEMENT		DPE Urban Design Recommendation	✓	DPE Gateway Comment	X
COUNCIL AGREEMENT								
DPE Urban Design Recommendation	✓							
DPE Gateway Comment	X							

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		LGA. For example, it seeks to include standards for the 63 townhouse development that are below the standards required for townhouses under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) - Part 3B Low Rise Housing Diversity Code</i> .
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Seniors Housing and non-seniors townhouses

The proposal seeks to provide housing for the elderly in 4 to 7 storey residential flat buildings and increase dwellings on the site by 74 units.

The proposal has failed to demonstrate consideration of how the development at the intensification proposed would operate during a bushfire event, yet uses bushfire risk as a means to put forward building typologies and intensified development on this site that is not supported when there is no detail to demonstrate how the site design will actually address the bushfire risk.

The proposal introduces non-seniors housing on the site in 63 four-bedroom townhouses. The townhouse typology is not consistent with dwelling types on the bushland interface particularly when the townhouses present as a 3-storey wall to heritage listed bushland. The 3-storey continuous wall described to protect the seniors housing from flame attack is flawed as it does not prevent the higher risk of ember attack. Further, it is unclear how placing large numbers of people at the highest bushfire risk locations has not been justified. Use of the townhouse typology on this site has not been justified and is not supported on the development site.

- A more appropriate built form on the bushland fringe would be single detached dwellings consistent with the non-seniors housing in Stanhope Rd.

Bushland landscape context

DPE's Urban Design assessment states the "site is located in a **significant area of natural bushland, adjoining pure bushland. The landscape concept does not adequately present a strong design idea to respond to this.** As noted in the summary, the natural landscape of the site and the immediate adjoining areas, including its topography, biodiversity and riparian assets is the key asset of the site, and should form the leading design idea and place narrative" and recommends improved considerations of the landscape context and developing a built form which is more sensitive to the bushland setting.

The planning proposal and its urban design report acknowledge the "site forms the south-eastern extent of Killara and sits within a low density residential suburban and bushland context" and has a "**distinct bushland character**"; however, the built form outcomes that would result from the proposed standards do not demonstrate any consideration of the significance of the natural landscape setting except that it will "**take advantage of the significant bushland views to the south and east**". No attempt is made to assimilate the built form scale into the bushland context in consideration of the views back to the development.

The subject site and the retirement village is no more significant than any other local built form and does not warrant the prominence above the existing tree line that would result from this planning proposal.

This approach of benefit solely to the site development at sacrifice to the historical, landscape, Aboriginal and western cultural context of the site appears to be consistent throughout this planning proposal that is still seeking a gross over development of the site with no substantiated evidence to support the incongruent bulk and scale and its impacts on the site itself and on the setting around it.

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Placement of high density residential flat buildings up to 7 stories on the bushland and National Park fringe, distant from local centres supporting such urban development, is incongruous and detrimental to the treatment of cultural landscapes and highly inconsistent with the objectives of the *Greater Sydney Region Plan* and *North District Plan*.

- Given the issues of bushfire safety on this site and its relationship to vegetation, it is paramount that a detailed bushfire analysis based on the master plan for the site accompany a planning proposal for the site. The provided bushfire reports by Blackash are highly inadequate and lacking in the detail required to make informed decisions on the site planning and design to address the specifics of the site which involves sensitive ecology and heritage.



Figure 1 – Landscape context – fringe of Gadigal National park and adjacent Heritage Listed bushland

State Environmental Planning Policy (Housing) 2021 and Ku-ring-gai Development Control Plan

No information has been provided on how the planning proposal will enact a mechanism to separate the seniors and non-seniors housing on the site.

Since seniors and non-seniors housing are two separate forms assessed under different instruments, subdivision of the site should occur prior to any future development to delineate and ensure the separation of areas, enabling the future assessment and calculations of development controls based on the land parcels. This will also ensure that the seniors and non-seniors housing components of the site can be managed effectively in the future.

In developing planning proposal standards to amend KLEP 2015, the Urban Design Report and its master plan proposal have:

- failed to demonstrate compliance with the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) with regards to the seniors housing component; and
- failed to demonstrate compliance with the and Ku-ring-gai Development Control Plan (KDCP) with regards to the non-seniors housing townhouses component.

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The site design should, as a baseline, utilise the guidance of the DPE Seniors Living Policy – urban design guidelines for infill development (DPE Seniors Living Policy), and respond to the Housing SEPP and the KDCP.

The DPE Seniors Living Policy provides clear guidance on the importance for Seniors Housing to

- improve neighbourhood fit,
- improve site planning and design,
- reduce impacts on streetscape,
- reduce impacts on neighbouring properties,
- improve internal site amenity.

The Housing SEPP includes multiple requirements for the planning of seniors housing. For example, Clause 99 (neighbourhood amenity and streetscape) lists requirements to ensure seniors housing does not ignore existing area character and has due consideration of neighbouring context. Seniors housing is expected to:

- recognise the desirable elements of the location's current character, or for precincts undergoing a transition, the future character of the location so new buildings contribute to the quality and identity of the area; and
- complement heritage conservation areas and heritage items in the area, and
- maintain reasonable neighbourhood amenity and appropriate residential character by
 - providing building setbacks to reduce bulk and overshadowing, and
 - using building form and siting that relates to the site's landform; and
 - adopting building heights at the street frontage that are compatible in scale with adjacent building; and
 - considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.

These considerations have not been adequately considered in the proposal, and the master plan built form seeking to achieve certain development potentials for the site which then appear to be manipulated to have a semblance of addressing these requirements after the fact.

Consideration of the site design beyond the development potential numbers would enable proper address of the issues of bulk, scale, dominance, over development, deep soil capacity. The inclusion of detail in the masterplan will demonstrate the consideration of the site in its landscape, heritage and bushland context, and inform a site specific DCP with standards and objectives consistent with those in the Ku-ring-gai LGA. Further, this approach will ensure compliance with the requirements of site specific merit.

Any non-seniors housing will be required to be assessed under the KDCP. Part 6 of the KDCP sets requirements for all townhouse development in Ku-ring-gai. The proposal is inconsistent with these requirements instead seeking to bypass the standards of the area through its site specific DCP.

The development does not contribute to the overall character of the area, it does not have a good 'neighbourhood fit'. The starting point for achieving 'neighbourhood fit' is an appreciation of the defining characteristics of the neighbourhood and integrating that into the design outcome. The proposal refers to neighbourhood elements of heritage, landscape and intact bushland but fails to demonstrate meaningful address to those aspects. In assessing the impacts of the proposed intensification of standards on views, vistas, landscaped areas, heritage items and HCAs it is clear that the proposal primarily considers benefits to the development itself and then tries to justify the resultant impacts to the surrounding context.

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The proposal does not demonstrate compliance with the instruments under which future development will be determined. A detailed consideration against the controls is required to demonstrate whether the proposed increase of standards on the site is possible.

Proposed Development Control Plan

Ku-ring-gai Council does not support the proposed DCP which seeks to push development outcomes on the site that have not been demonstrated to be suitable for the site. Further it is clear that the development outcomes arising from the proposed intensification of standards on the land will not deliver outcomes consistent with the KDCP.

The Urban Study Report and its master plan has failed to provide sufficient detail to justify the level of development potential being sought on the site. This is demonstrated in the proposed DCP which is weak, ineffective and lacking the required finite development standards consistent with the methodology of the Ku-ring-gai DCP.

The purpose of a site specific DCP is not to undermine the existing DCP and set precedents for lesser development, its purpose is to provide additional detail to ensure any future development addresses site specific issues, in this case those of bushfire, heritage, ecology and streetscape.

- It is recommended that any future DCP for the site be prepared by Council to align with Council's KDCP and ensure the standards of future development on the planning proposal site.

The proposed site specific DCP is discussed separately.

Building heights, bulk and scale

The exhibited site survey indicates the northern central part of the site is topographically at the highest point within the locality, sitting on the ridge plateau at generally an RL106.5. In the absence of RL provisions in the planning proposal documentation, the maximum building heights proposed would result in the approximate RLs described in the below table and are compared to the known RL of the existing proximate Mobile tower at the north-west.

In the absence of adequate sectional RLs, it is understood that the proposal will enable buildings up to 7 stories high. Calculations are based on standard minimum floor to floor heights and with the contingency that many lift over runs are being argued through cl 4.6 of KLEP 2015.

TABLE 2 - RL STUDY		
Proposed Height	Proposed RL	Calculation
22m (7 storey)	RL 128.2	106.2+22
20.5m (6 storey)	RL 126.7	106.2+20.5
16m (5 storey)	RL 122.2	106.2 + 16
14.5m (4 storey)	RL 120.7	106.2 + 14.5
Note: 1. Mobile tower RL 122 2. Ground level at RL 106.2 3. 1 storey = 3m (lift runs might be argued under cl 4.6)		

Given that the RL 122 Mobile tower is visible above the tree canopy, it stands to reason that the intended built form height planes at RLs of 128.2 to 120.7 will be highly visible against the skyline (Figure 2).

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The proposal will result in a built form that will

- extend above the intact tree canopy in this area, distant from any urban local centre
- alter and dominate views and vistas to the ridgeline and against the skyline.



Figure 2 – Visibility of proposed built form from Lindfield Soldiers Memorial Park Oval – relation to mobile tower



Figure 3 – Visibility of proposed built form from Archbold Rd facing Eastern Arterial Road – relation to mobile tower

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Figure 4 – view towards Seven Little Australians Park sitting below the Lourdes site - 2-storey buildings visible from Archbold Rd – sitting under the tree canopy with intact ridge treeline to the sky

The following impacts resulting from the dominance and visibility of the dense built form on the ridgeline, protruding above the characteristic tree canopy, are noted:

- The proposed building envelopes will result in a visually prominent interruption damaging to the intact scenic landscape and intact bushland skyline important on the fringe interface with recognised ecological areas that connect with Garigal National Park.
- The proposed built form will protrude well above the tree canopy and be viewed from, and as a backdrop to, the heritage listed bushland to the south and east at I1100 Seven Little Australians Park and at I1099 Lindfield Soldiers Memorial Park and result in the erosion of the setting of these important natural landscape heritage items and associated cultural landscape values.
- The high density built form sits at a topographically elevated location at the ridge point of the locality and adjacent to Heritage Conservation Area C22, where its height will create an uncharacteristic focal point in close proximity to the HCA and undermine the integrity of the area character.
- The bulk and scale of the proposal is incongruous with and impacts on the low density residential character to the north and west, and particularly on the Stanhope Road streetscape, and as juxtaposed with Headfort House, recognised as having heritage listing value.

In conclusion:

- The building heights are overly dominant in this location due to the ridgeline topography and extensive natural land surrounding the site. Any amended standards should ensure the built form

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heights are completely below the site's tree canopy to diminish impact on the listed natural bushland items and the low density neighbourhood. This is especially important as the proposal's Urban Design Report and master plan indicates extensive denuding of the site with basement excavation beyond building footprints and a proposed removal of 59% of trees and potential harm to an extra 37%.

Impact to 91 Stanhope Road

On 8 September 2021 the SNPP resolved that the Planning Proposal should continue to the Gateway Assessment Stage, subject to:

- 1) The revision of the western driveway access arrangements to provide better amenity for neighbouring properties on the western boundary (including an appropriate landscape buffer).
- 2) Reduction of the area allocated to height of buildings R22m and N14.5m to better reflect the indicative layout plan.

The two key issues regarding the western boundary presented in the planning proposal urban study are the high resultant impacts of

- the primary access driveway adjacent to the boundary; and
- the bulk and scale to the low-density dwellings and HCA at the western boundary.

The planning proposal has failed to consider the impacts of the western driveway access arrangements to provide better amenity for the neighbouring property at 91 Stanhope Rd on the western boundary:

- This property will be highly impacted by the multiples of cars, vans and trucks entering and exiting the site via this driveway.
- It is estimated that during the am and pm peak hours there would be a minimum 50-60 trips along this new driveway, or up to 1 vehicle per minute (excluding service vehicles), this volume of traffic will deliver unreasonable impacts to the adjacent property.
- Given the main access into the extended basement for the seniors housing is accessed from this driveway and this drive is the main entry point for the 63 townhouses, it is highly likely that heavier and noisier service vehicles will also be using the drive.

In relation to this, the proposal has failed to adequately consider the bulk and scale impacts of a 4 storey building adjacent to the existing detached 2 story dwelling at 91 Stanhope Rd and that the boundary and part of the onsite land at the western boundary are included in HCA C22:

- The proposed 10m side setback to the boundary with 91 Stanhope Rd is not satisfactory given the proposed 14.5m building height 4 story height proposed adjacent to that boundary that in no way modulates its massing to relate to the low density development and the HCA boundary, particularly as the topography that slopes down to 91 Stanhope Rd accentuating the 4 storey building heights.
- The suggestion of a landscape buffer is agreed however the buffer is unlikely to mitigate the mentioned bulk, scale, and noise impacts to 91 Stanhope Road, and it is unclear how that buffer addresses the onsite HCA portion of the site.

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Discussion in the urban study regarding contemplative spaces including the relocation of the grotto and placement of a dementia garden to the north west of Headfort House adjacent to the proposed driveway also presents a conflict between the proposed two adjacent quiet and noisy uses.

The proposal prioritises its own outcomes and appears to limit vehicular movement to its own central access road while deferring the impacts to the western boundary driveway and to the neighbouring property;

- It is recommended that the western driveway access be removed and access to the basement car park be provided via the Main Street where the current development has its primary access; and, First Avenue (at the western end) should be connected to Main Street, to avoid the impacts to the adjoining low density residential land uses, align with the garden uses proposed for Headfort House.

Visual impact assessment

The heights of the proposal will materially alter the scenic and cultural landscape character of this area. The prominent bulk and scale is inconsistent with the low density residential area and bushland landscape character of the area and the adjacent Crown blocks C22 heritage conservation area.

The following modelling demonstrates the excessive bulk and scale that will result from the proposal, inappropriate for the surrounding area, and inappropriate on the site itself as the views demonstrate the lack of sufficient open space and the combination of dense development tin long uninterrupted stretched creating a dense 'gun-barrel' development on the site.

The planning proposal's Urban Design Report provides a visual impact assessment with twelve photo montages superimposing building line.

- This assessment appears to grossly underestimate the bulk and scale of the proposed built form and its visibility and impact on the skyline. It provides a methodology which relies on masking of a 3-d model.
- The proponent's refusal to provide Council with requested modelling information has meant that the masks and their placement on the associated contours within photographs cannot be verified, and therefore the presented views cannot be accepted as correct.

Further, it appears that the views have primarily been taken at points where the impacts are disguised.

Council has conducted modelling exercises based on a 3D model of the proposed development at 95-97 Stanhope Rd, Killara. The modelling was achieved utilising a Digital Elevation Model of the ground surface and the proposal's built form information. In the absence of an actual 3D building model, as requested from the proponent, the footprints were digitised based on the plans provided in the Urban Design Report and the maximum height map.

The modelling indicates that the development is highly dense and incongruous within this location.

The modelling considers impacts of the proposed built form outcomes and goes to demonstrate the over development of the site, unable to justify on site amenity consistent with standards of the KDCP

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To rezone, increase height and FSR at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village)

- **Density, bulk and scale impacts within the site**

The modelling indicates the onsite dominance of built form and very poor scale outcomes being delivered within the site. The long stretches of dense development are more typical of city and dense urban areas. It precludes deep soil landscaping and planting of tall canopy trees due to extensive basements stretching beyond building footprints. Deep soil is a fundamental requirement for landscape character. The large footprint buildings coupled with their heights are likely to create cavernous central streets, overshadowed and with little open space association with the amenity of the site context.

Given the isolation of the site, distant to local centre facilities and to public transport, the on-site amenity is vital for all residents and especially for the elderly who are unlikely to drive as they age. The density proposed is unlikely to deliver high onsite amenity with many apartments facing south with no solar access, excessive on-site overlooking and overshadowing from building bulk and height.

The excessive level of development that will result from the planning proposal standards will result in the inability for any substantial open landscaped areas, and even less deep soil landscaping to support tree canopy and water infiltration. In addition, the lack of meaningful open space provision will not deliver the outdoor amenities mentioned in the proposal.

The planning proposal's Urban Design Report provides shadow diagrams that clearly show how the runs of west-east development will fail to meet solar provisions to open spaces and to townhouses to the south. It also demonstrates the lack of design consideration of the lack of solar access to the multiples of south facing ILUs which will house elderly people likely to spend the majority of time in those units.

The proposal's design has not given consideration to whether onsite amenity can be achieved with the proposed overdevelopment of the site for both the vulnerable elderly and the general population it seeks to house.



Figure 5 – taken from planning proposal Urban Design Report – density of onsite development - lack of contextual address

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Figure 6 - from East of the site – density of onsite development – bushland aspect



Figure 7 - from South-West of the site – density of onsite development – peninsula into bushland

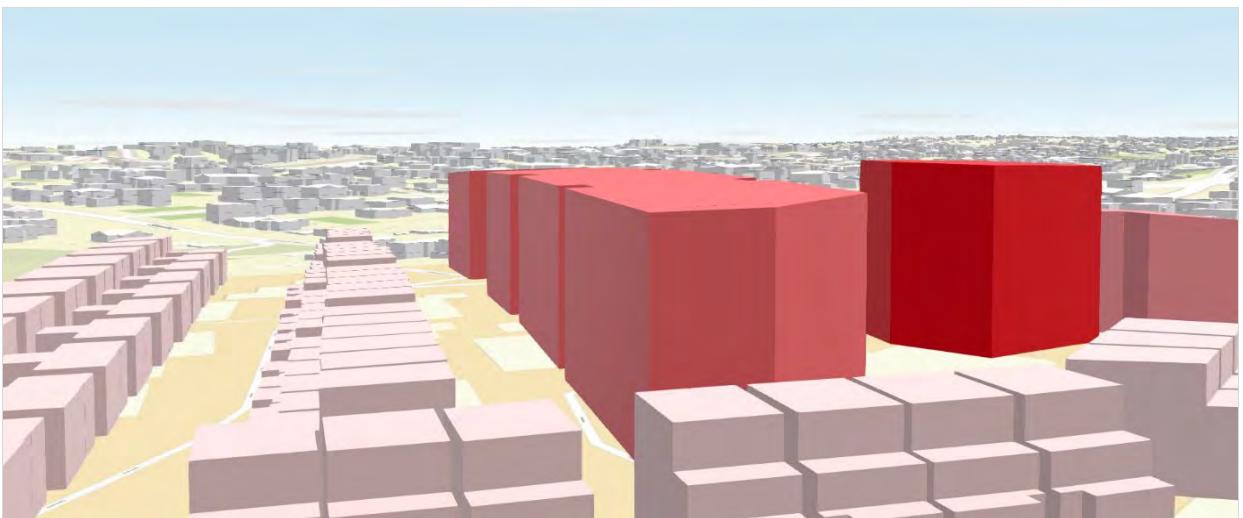


Figure 8 - from East of the site - showing long stretches of dense development typical of city and dense urban areas, precluding deep soil landscaping and planting of tall canopy trees

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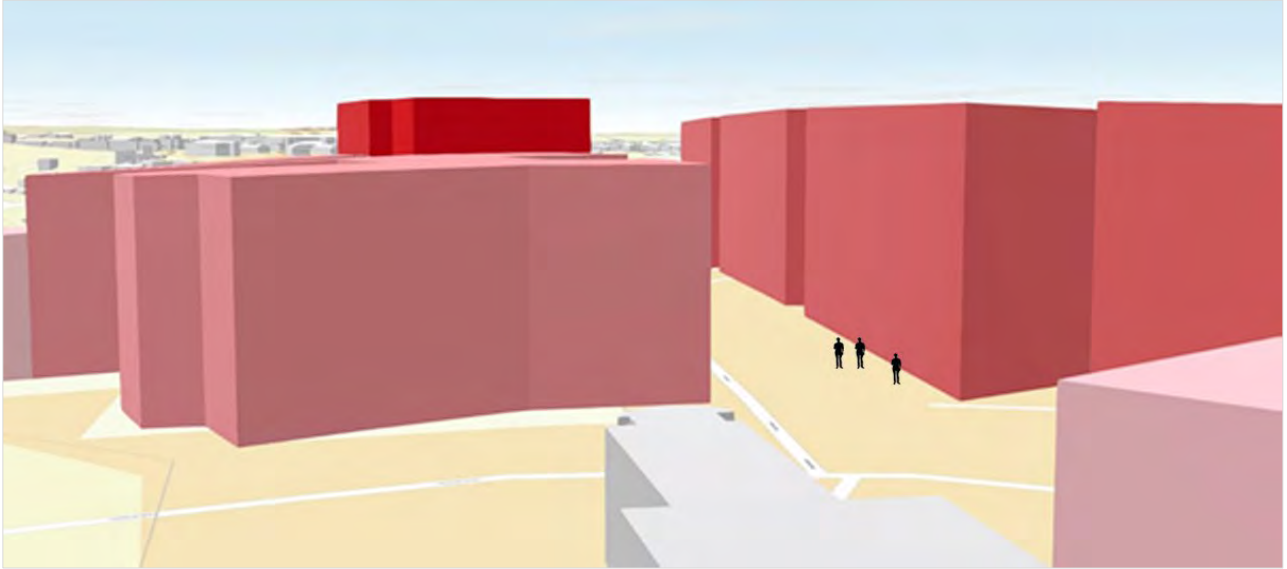


Figure 9 - from North-West of the site with Main Street to the centre right showing ill-considered building height and separation ratios based on proposed master plan and heights



Figure 10 - from west of the site showing dense 'gun-barrel' built form outcomes, and poor ratios of landscape and built form, unlikely to achieve high levels of onsite amenity, privacy and retention of existing site values.

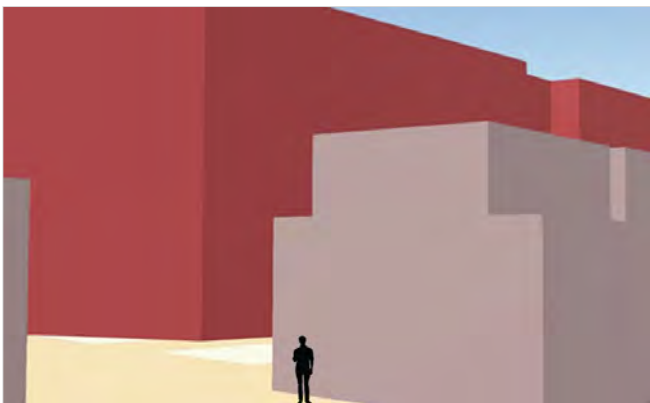


Figure 11 – from west of the site



Figure 12 – from Headfort House

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Figure 13 – shadow diagrams from planning proposal Urban Design Report - constant shadow from 5-7 storey buildings to central part of the site and dwellings

- **Streetscape to Stanhope Road**

The proposed heights, particularly the 5, 6 and 7 storey buildings cannot be hidden from Stanhope Road. The buildings heights will present a dominating and uncharacteristic bulk and scale to the Stanhope Road streetscape, especially as the land slopes upwards into the site to the ridge where the tallest buildings are located.

The dominant and intact streetscape of Stanhope Road is of low density built form within a landscape setting. The existing development on the subject site has little consideration of the street and relationship to opposite and adjacent dwellings by utilising architectural elements such as roof forms, small footprints and lot layout that assimilate into the context; and importantly, enabling development to remain under the tree canopy protecting the bushland backdrop to heritage listed Seven Little Australians Park and vistas from Lindfield Soldiers Memorial Park.

The proposed maximum building heights will deliver significant sheer walls to Stanhope Road and present as a massive and dense development to the street and to the 1-2 storey dwellings opposite and to the west of the site. These dwellings sit at lower contours to the subject site which will further exacerbate the height impacts.

- The proposal does not demonstrate built form bulk and scale that is sympathetic to existing streetscape patterns, to surrounding bushland and to the dwelling at 91 Stanhope Road (building siting, heights, separation, driveway location, pedestrian entries, etc.)

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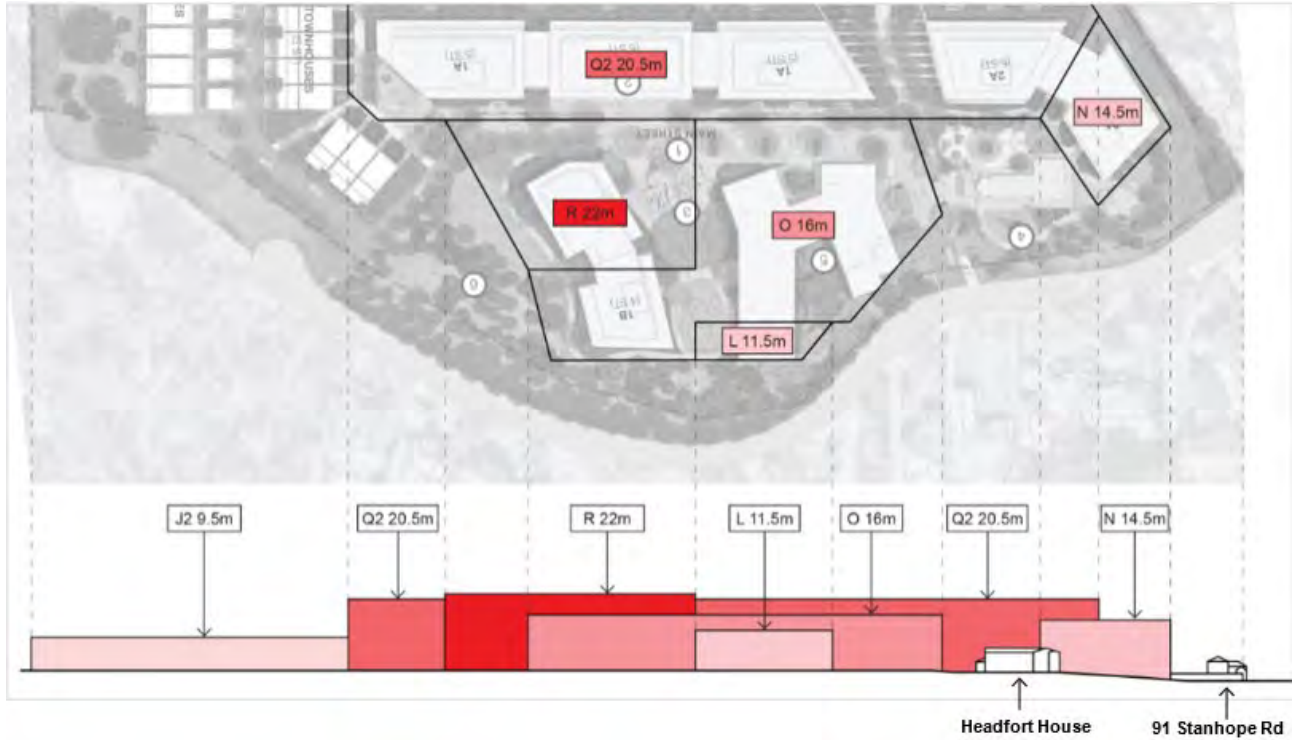


Figure 14 – Building Envelope - elevation to Stanhope Rd – proposed excessive bulk and scale presentation to Stanhope Rd, to Headfort House setting and to 91 Stanhope St.

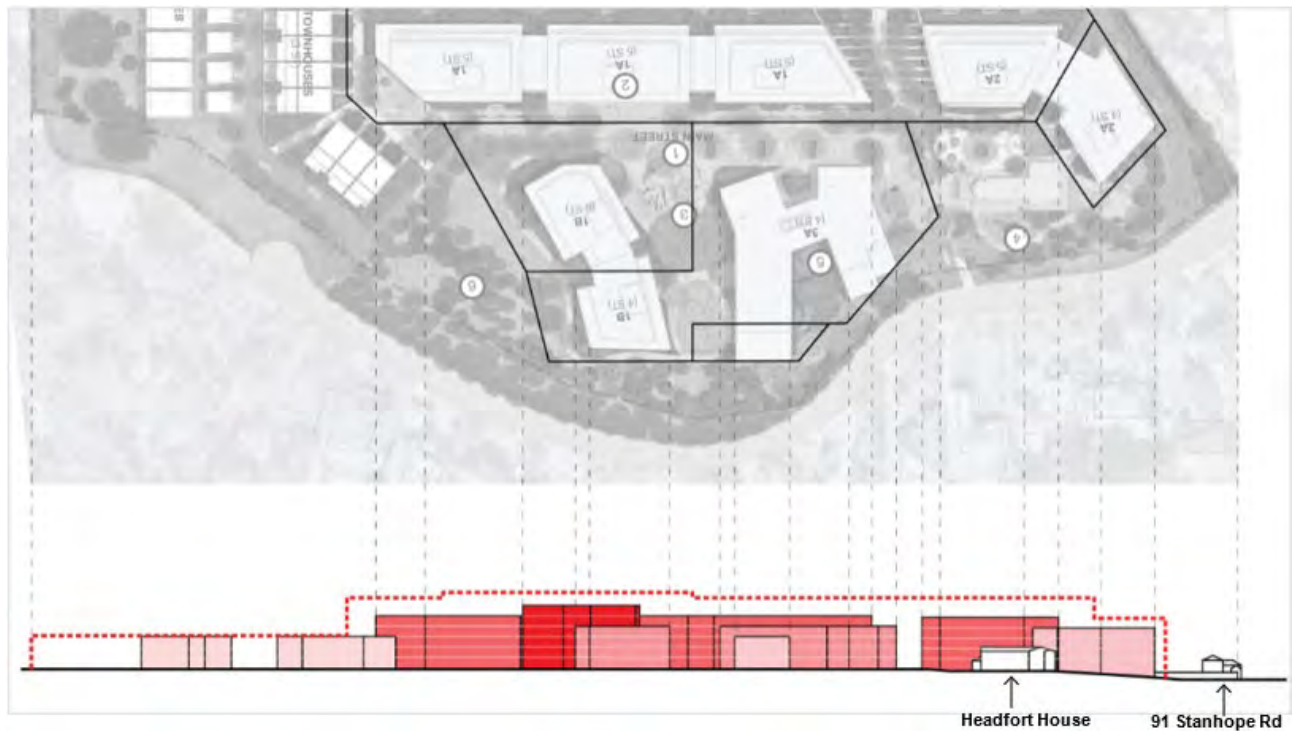


Figure 15 – Built Form with Building Envelope - elevation to Stanhope Rd – excessive bulk and scale presentation to Stanhope Rd, to Headfort House setting and to 91 Stanhope St.

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Figure 16 - from west of the site – Stanhope Rd – relationship of proposed built form with Headfort House and 91 Stanhope Rd



Figure 17 – from Stanhope Rd approach to the site- showing relationship to adjacent 91 Stanhope Rd and Headfort House



Figure 18 - from North-East of the site – Stanhope Rd

Urban Design Consideration

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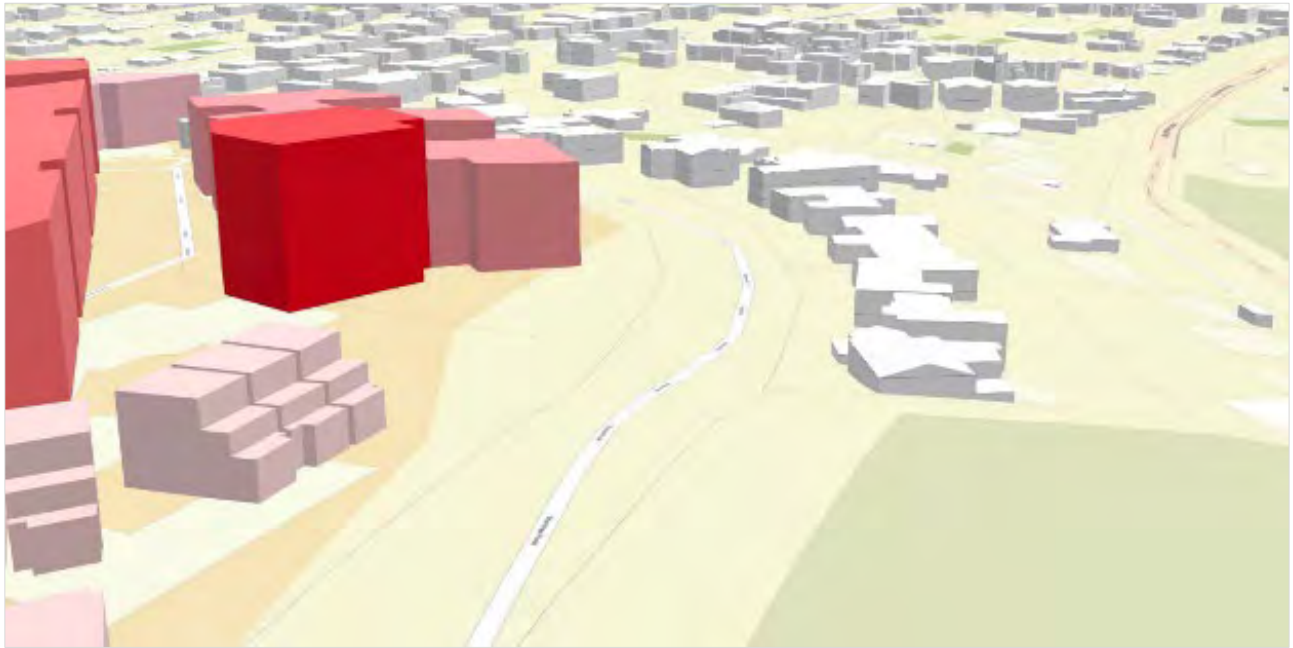


Figure 19 – from North-East of the site – Stanhope Rd and internal site massing

- ***Distant views and protrusion above intact tree line***

The ridge groundline of the subject site sits generally at RL 106. The proposed buildings will deliver RLs of 120 to 128. The adjacent Mobile tower sits at RL 122. It is reasonable to say that the proposed 5-7 storey buildings will penetrate the intact characteristic tree canopy and be visible in distant views.

This is demonstrated by the built form of Lindfield Local Centre which sits generally at ground level RL 97 and has buildings of 5-8 storey to an approximate maximum RL 121. The built form of this centre sits at a lower RL than that of the proposal and is highly visible from many distant vantage points including as far as St Ives.

This type of landmark visibility is appropriate to mark site significance such as a town centre. The subject site's development use is similar to many across NSW and Ku-ring-gai and does not warrant disrupting the contextual dominance of the treeline at this location that forms a backdrop to 2 important natural bushland heritage items. Further, it will set a precedent to diminish key context and character aspects on the bushland fringe.

The modelling indicates the development will have a 'castle-like' standing in the landscape, visible against the skyline with no scope of the built form to be hidden under the canopy due to the proposed denuding of the ridgeline and lack of deep soil provision for trees to increase canopy cover.



Figure 20 - from Slade Ave (adjacent to Seven Little's Australian Park)

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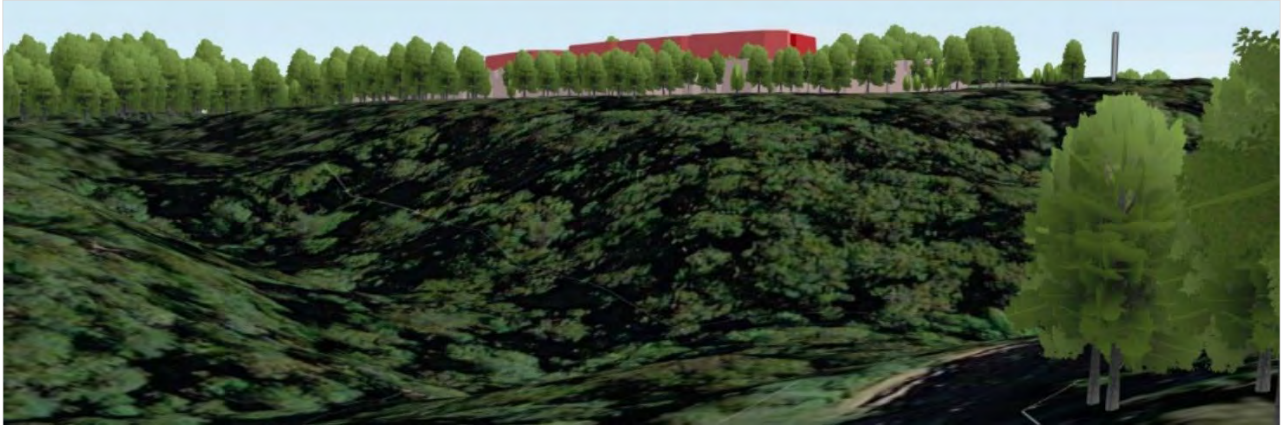


Figure 21 - from Eastern Arterial Rd South

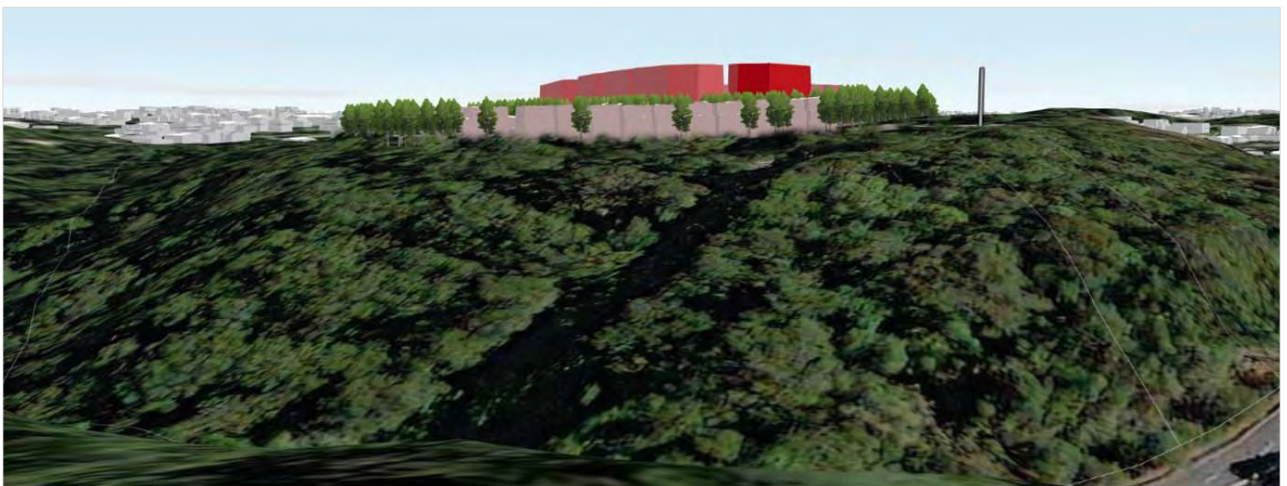


Figure 22 - from Lindfield Cricket Oval (Lindfield Soldiers Memorial Park)

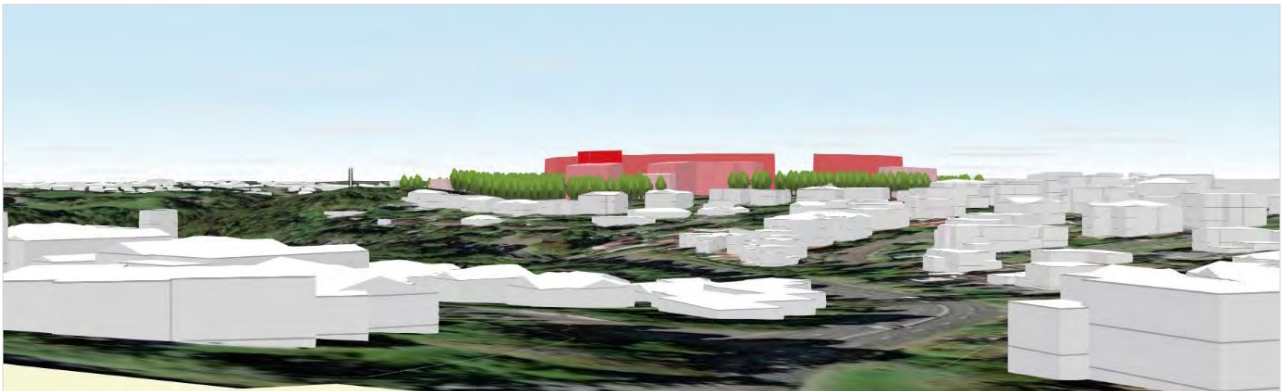


Figure 23 - from Eastern Arterial Rd North



Figure 24 - from Roseberry Rd + Kardella Ln

Urban Design Consideration

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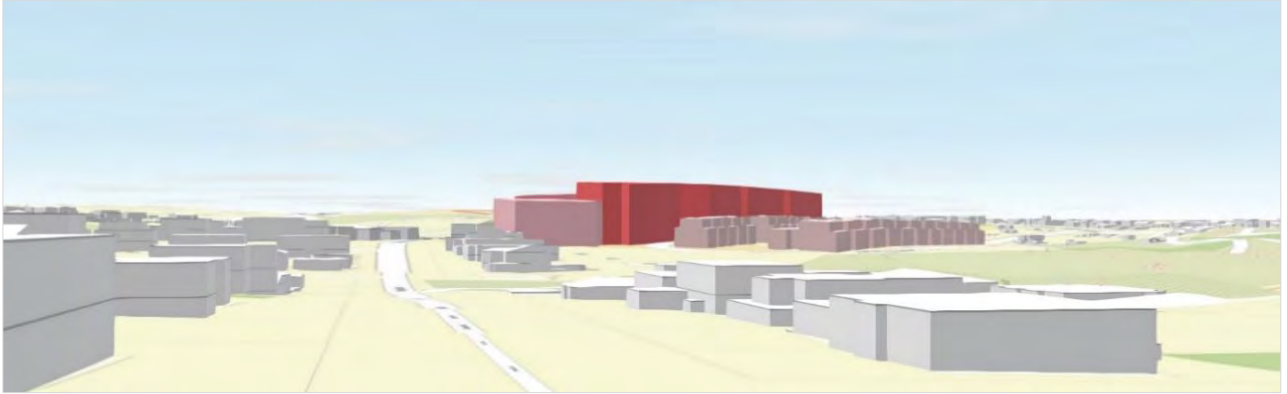


Figure 25 - from Garnet St + Stanhope Rd

Resubmission of an amended masterplan and urban study

It is recommended that the planning proposal be refused in its current state and be resubmitted with:

1. Reduced heights to a maximum of 4 stories at the north of the site and 2 storey to Stanhope Rd and 91 Stanhope Rd and the bush interface boundaries, and as this is more likely to:
 - achieve the requirements of the development assessment controls under the relevant instruments and Plans including Housing SEPP and KDCP;
 - more successfully address the issues of impact to the tree skyline by remaining generally under the canopy line uphill of heritage listed Seven Little Australians Park and as viewed from heritage listed Lindfield Soldiers Memorial Park.
 - better address bulk and scale interface impacts with heritage, bushland, neighbouring houses and the streetscape.
2. A master plan, sections and details that give transparency on the development outcomes for the site, showing how they
 - address planning instrument controls; and
 - include requirements from evidenced studies, such as the bushfire parameters.

Introduction

Background

The Urban Design Branch (UDB) has undertaken a review of planning proposal for Lourdes Retirement Village at 95 Stanhope Road, Killara. We note the following aspects of the proposal:

- Stockland's Planning Proposal for Lourdes Retirement Village at 95-97 Stanhope Drive, Killara was considered by Ku-ring-gai Council in 2018. Council was not in support of the Planning Proposal.
- The Planning Proposal was then considered by the Sydney North Planning Panel at a Rezoning Review (RR_PP_RR_2018_KURIN_001_00) on 7 November 2018. The Panel supported the Planning Proposal to progress, on the basis that five recommendations /conditions are satisfied prior to submission to the Department for Gateway Determination
- A revised Planning Proposal was submitted to the Department on 18 June 2021, in response to the Rezoning Review recommendations. The proponent has provided the additional information requested, including Urban Design Study and draft site specific DCP.
- The revised Planning Proposal proposes to amend the Ku-ring-gai LEP 2015 as follows:
 - Rezone the site from R2 (Low Density Residential) to R3 (Medium Density Residential).
 - Amend maximum building heights from 9.5m to heights ranging from 9.5m to 22m.
 - Amend maximum FSR from 0.3:1 to 0.75:1.

The proposal facilitates a Concept Master Plan that includes:

- 141 independent living units.
- A new aged care facility with 110 beds.
- 1,400sqm of internal communal space.
- Medium density development of the southern portion of the site comprising of approximately 63 townhouses.

In response to the Panel's recommendations / conditions (Attachment A), it is noted that the revised Planning Proposal / Concept Plan has been amended to accommodate lower building heights across a greater area of the site, with lower heights around the site's peripheries and greater heights concentrated at the centre of the site.

Scope of advice

- As part of the Department's assessment of the Planning Proposal for Gateway Determination, the North District team is seeking comments from Urban Design in relation to the proposal's Concept Master Plan and Site Specific DCP.
- It is requested that the following elements of the planning proposal be considered as part of Urban Design's review:
 - Building heights
 - Setbacks and interface with surrounding uses
 - Draft site specific DCP
 - Overshadowing and solar access
 - Landscape concept

Information Reviewed

- Urban Design Report Planning Proposal prepared by Plus Architecture dated June 17 2021
- Planning Proposal Report prepared by FPD Pty Ltd dated June 17 2021
- Site Specific DCP
- Comments from the Sydney North Planning Panel 7 November 2018.

Summary

Having reviewed the documents submitted, the UDB considers the Planning Proposal is unacceptable in its current form, with a number of aspects of the proposal requiring attention. In summary these concerns relate to the design response to Place Analysis (site analysis plus the contextual analysis), leading to poor outcomes for built form, solar access and overall landscape response. Satisfactory response to place analysis will result in a more positive design outcome.

Design Review

Overview

The retirement facility is located in an area of incredible natural beauty, in a bushland setting adjoining significant parks of the area. In parallel to the natural landscape are considerations of Country. A commitment to Connecting to Country, and Designing with Country are to be considered. This landscape setting is one of the key driving factors in the review of the planning proposal and the desire to adjust controls, and it is considered that the landscape should dominated the site, not built form.

The intent to mix housing for different generations on the site is supported, and facilitates an integrated mixed community.

Details of concern are identified below.

Building bulk and scale (including heights and setbacks)



Figure 1 - Extract from Plus Architecture

The built form generally includes two types of built form – residential flat buildings to the north and terrace style dwellings to the south.

The intent to introduce different building typologies through terrace and townhouse style housing is supported. This offers a scale of built form of 2-3 stories which when configured sensitively, will sit within the landscape, and respond to the landform and topography.

However, the built form of the retirement village blocks as indicated in yellow do not provide an appropriate form. The proposed increased height dominates the site. This has the impact on the bushland setting and solar access to any proposed dwellings to the south.

Recommendation

1. Review the built form of all buildings over 4 storeys as indicated in the diagram in Figure 1. This should include developing a more holistic strategy which incorporates smaller footprints and reintroduces natural bushland into the northern part of the site.
2. Incorporate key dimensions on built form to indicate building depths.
3. Review the built form in relation to the topography and investigate ways to provide an outcome which works with the slope of the site and can 'nestle' into the site, reducing built form impacts of scale domination.

Setbacks and Interfaces with Surrounding Areas

The side setbacks of the terrace typologies to the south are not adequate and result in an over-development to the edges of the site which border the bushland. This causes particular concern as it presents a hard-built edge to the surrounding bushland, which is not appropriate. A softer bushland edge with the built form should be considered. The run of terraces to the east results in a similar issue.

Recommendation

4. Review the side setbacks of the southern-most and eastern terraces to ensure there the built form sits more comfortably in the landscape and nestled into the bushland, rather than dominating.



Figure 2 - extract of built form (source Plus Architecture)

Overshadowing and solar access

The built form outcomes to the north of the site result in unacceptable over-shadowing to the south. The site does not take advantage of the site's topography to optimise solar access opportunities.

Recommendation

5. Review solar impacts in line with recommendations 1 and 2.

Landscape concept

The site is located in a significant area of natural bushland, adjoining pure bushland. The landscape concept does not adequately present a strong design idea to respond to this. As noted in the summary, the natural landscape of the site and the immediate adjoining areas, including its topography, biodiversity and riparian assets is the key asset of the site, and should form the leading design idea and place narrative. This should also include strategies for Designing with Country. Further work on this aspect will naturally result in a built form which is more sensitive to the bushland setting, and ultimately more unique and with greater social, environmental, and economic value.

Recommendation

6. Review the place analysis already undertaken and strengthen the landscape concept as the lead design idea, forming clear place specific design principles to support the narrative.
7. Refer to Connecting with Country for strategies to integrate cultural principles into the site.
8. Research appropriate local precedents which demonstrate the idea of designing within a bushland setting, such as Sydney School architects who designed within bushland settings. Develop design principles based on this research.

Draft Site Specific DCP

The site specific DCP provided lacks any meaningful detail. Development of stronger place specific design principles once the Place Analysis and landscape concept are revisited will form the basis for the DCP.

Recommendation

9. Review the draft site specific DCP to ensure it responds adequately to the important design qualities, focused on a landscape led approach.

RECOMMENDATION

1. Given the extent of the missing information in the urban design report able to inform the proposed DCP with evidenced development controls and objectives, the failure of the draft DCP to relate to the KDCP and the wider controls applicable across Ku-ring-gai, it is recommended that the exhibited DCP be rejected.
2. That the planning proposal be resubmitted with amended proposed zoning, height, FSR and other standards that remove the requirement for a site specific DCP. This will ensure consistency of development assessment of the site development with State and Local policy by
 - facilitating the assessment of seniors housing under the Housing SEPP; and
 - facilitating the assessment of non-seniors housing under the existing standards of the KDCP.
3. That a comprehensive and detailed urban study and masterplan accompany the resubmitted planning proposal with detailed provisions, including finite measurement and numerical standards regarding site specific issues. This will enable translation into a DCP if required, including but not limited to the following:
 - bushfire safe built form;
 - treatment of Headfort House as a potential heritage item;
 - delivery of deep soil provisions and tree canopy planting.
4. That if a site specific DCP is required, Council prepare the DCP based on detailed provisions included in the planning proposal urban design report, with all expenses for the preparation charged to the proponent in accordance with Council's fees and charges.

ASSESSMENT

The proposed DCP is vague, poorly drafted and inconsistent with the structure and content of the Ku-ring-gai DCP (KDCP).

It includes material not relevant, and in some cases inappropriate, in a DCP. Much of the proposed content diminishes the quality of the standards set by the KDCP, proposing lesser standards that both undermine and contradict those of the KDCP.

The proposed masterplan and its resultant development fail to align with the proposed DCP objectives. The controls provided are vague and the diagrams lock in a proposal that is highly inappropriate and unresolved even in terms of the planning proposals own objectives.

It is inevitable that DCPs written by proponents will have a bias that seeks favour of their development outcome usually seeking to maximise site potential often at the cost of other key aspects of the site, of the neighbourhood and of the context.

The proposal adopts a 'cherry-picking' approach to Council's DCP provisions that would set a serious negative precedent for future planning proposals to switch off provisions that ensure consistency, safety, adaptability, resilience and conservation within the Ku-ring-gai LGA.

The DCP's function is to lock in the key elements that the planning proposal has been based on to ensure delivery of future development that delivers the outcomes of the planning proposal to a standard contiguous with the Ku-ring-gai area. Its function is not to enable a proponent to by-pass the checks that are required of all development within the area. Therefore this proposed DCP's approach of cherry picking standards in the KDCP and in the SEPP Housing is not supported.

Of greatest concern is that inclusion of this proposed DCP would set precedent for similar poorly resolved site specific DCPs to be presented to Council in relation to future planning proposals across the LGA. Such inclusions lower the value of the KDCP, lower the quality of development in the LGA, and open opportunities for contest in court on the contradicting standards for development types under the KDCP.

It is recommended that any future DCP for the site be prepared by Council to align with Council's KDCP and ensure the standards of future development on the planning proposal site

The below table considers the site specific DCP attached to the 2022 planning proposal:

Assessment of Draft Site Specific Development Controls (FPD Pty Ltd)	
	<p>Background</p> <p>Apart from the last line, this section is inappropriate marketing of the site and not relevant to a DCP</p>
1.1	<p>Application</p> <p>The address for the site is wrong, it omits '97'</p> <p>This section is irrelevant. The content should be included in the opening character section consistent with the KDCP format for site specific DCPs.</p>
1.2	<p>Purposes of this part</p> <p>This section is irrelevant to the DCP.</p>
1.3	<p>Relationship to other parts of the Ku-ring-gai DCP</p> <p>The purpose of a site specific DCP is not to negate sections of the DCP nor to 'cherry pick' sections. The purpose of a site specific DCP is to address those site specific issues that are not included in the DCP, or that are necessary to ensure any future development on the site delivers outcomes that relate to site features and constraints.</p> <p>Enabling a 'cherry-picking' of Council's DCP provisions sets a serious negative precedent for future planning proposals to switch off provisions that ensure consistency, safety, adaptability, resilience and conservation within the local government area.</p> <ul style="list-style-type: none"> • Taking just one example deselected in the proposed DCP: omitting Part 3 Land Consolidation and Subdivision implies any future subdivision of the land would not be bound by any controls. Part 3 applies to all sites in the LGA. • In particular, as there is an element of non-senior's housing on the site and the planning proposal fails to explain the mechanism by which dwellings adjacent to the flame zone will not be utilised by the retirement village residents, should sub-division ultimately be progressed on the site to facilitate this planning proposal outcome, it cannot be exempt

	<p>from the KDCP controls.</p> <p>All built form on the site must adhere to the requirements of those building types as stipulated within the DCP including the apartment building and multi-unit dwelling (townhouses) types being proposed in the master plan. Cherry picking controls to deliver typologies with lower standards to the KDCP is not acceptable.</p> <p>Where specific typologies are not included in the KDCP and are proposed with full justification, then the proposed DCP should put forward standards based on highly resolved design proposals within the urban study for those typologies only.</p> <p>References to the Apartment Design Guide in the proposed DCP are meaningless and should be removed. All high density apartments are to be assessed under the KDCP standards which include the Apartment Design Guide considerations. This is particularly important for aged housing as the KDCP insists on requirements to ensure effective provisions for ageing in place.</p> <p>This also applies to sections in the KDCP which stipulate Liveable Housing standards which would apply and be highly relevant to this development for the ageing population.</p> <p>There is no justification in seeking to reduce the standards of the development on this site by cancelling the majority of the DCP via the site specific DCP. Consistent with all site specific DCPs in the KDCP, all sections of the DCP must apply to this site.</p>
<p>1.4</p>	<p>Development Objectives</p> <p>DCP objectives relate to controls. These objectives need to be placed in context with the relevant controls to provide clear defensible direction. Making general references to them is not sufficient, nor is it of any use including objectives that have no controls to deliver them.</p> <p>The following proposed objectives have no controls proposed anywhere in the proposed DCP that would deliver aligned outcomes:</p> <ul style="list-style-type: none"> • To allow for restoration and preservation of Headfort House • To ensure bushfire hazards are appropriately managed. <p>The lack of detail to establish controls mandating standards around these two objectives is reflective of the unresolved and weak approach to bushfire risk and care of the heritage significant Headfort House and heritage items and HCA directly adjacent to the site.</p>
<p>2.1 2.2</p>	<p>General provisions</p> <p>Land use, site layout and built form</p> <p>Site specific sections within the KDCP do not contain general provisions, these two sections should be combined and the structure of the site specific sections within KDCP observed.</p> <p>The diagram provided must indicate the aged housing part of the site and the standard housing part of the site, and include a clause requiring subdivision and separation of the two land parcels as part of any development application for the site.</p> <p>This section has not illustrated the proposed storey height restrictions on the site to prevent taller buildings being delivered within the maximum height provisions.</p> <p>The built form proposed on the site must comprise small footprint buildings with basement contained within the footprint. Ku-ring-gai Council has developed exemplary standards around the provision of deep soil that enables tall canopy trees. It is not acceptable to excavate the</p>

entirety of the ridge of the site to provide continuous basement parking. Apart from the impacts on ecology and ground water, the lack of deep soil between building will not support the wider strategic State policies of increasing urban canopy and green grid, reducing heat island effects, nor will it support the local provisions of built form under the tree canopy, particularly in this location that is a backdrop to Seven Little Australians Park and seen from the Lindfield Soldiers Memorial Park.

Objectives relevant to the controls must be stated within the relevant section, not stated separately at 1.4.

The diagram contradicts its own objectives stated in 1.4 and 2.1 and 2.2 of the proposed DCP:

- **To provide for extensive landscaped areas to retain the landscape character of the site and provide for high quality outlooks**

The highly intense building footprints with little to no building separation plus the continuous basement under multiple buildings will not result in “extensive” landscape nor “retain the landscape character of the site”. The limited open space afforded by the landscape, the site topography, the overshadowing of the 4, 5, 6, 7 storey buildings will not enable meaningful deep soil provisions nor suitable extents for tree and vegetation retention and enhancement.

- **To positively respond to the site features, including the bushland fringe and steep topography**

The placement of dense 3 storey urban terrace style housing on the bushland fringe and adjacent to bushfire flame zone does not demonstrate a positive response “to the site features, including the bushland fringe and steep topography”.

- **To positively respond to the surrounding low density residential built form context and minimise any amenity impacts on adjacent dwellings**
- **To provide for an appropriate distribution of building height and density across the site which minimises impacts on the surrounding area and provides a high level of amenity.**

The placement, adjacent to the neighbouring 2-story dwelling at 91 Stanhope Road of the proposed 14.5m high 4 storey building plus the main residential and service vehicular access route for cars and trucks into the site, contradicts this proposed objective and control. The building bulk and heavy use driveway will adversely impact the 2 story downslope dwelling at 91 Stanhope Rd through overlooking, noise and pollution which a ‘landscape buffer’ will not ameliorate.

- **To provide a new road layout that facilitates safe, convenient and legible access within the site and to the surrounding area**
- **To provide for a high level of connectivity and amenity for pedestrians**

The master plan fails to show how existing rights of way across the site are maintained and how the said “high level of connectivity and amenity” is provided, nor are there any controls directed to this objective.

The diagram locks in an outcome for the site that has not been adequately resolved on multiple levels (bushfire, heritage, ecology, landscape, interface etc) with studies attached to the planning proposal providing incomplete and insufficient information.

A unified consideration of the proposed site masterplan has not been given and this is seen in the

	<p>many inconsistent approaches of the various studies which directly contradict each other and the lack of detail in the urban design report that would enable the preparation of a site specific DCP.</p> <ul style="list-style-type: none"> • For example the urban design report insists on the onsite consideration of the landscape context, but the ecology and arborist reports show 59% removal of existing trees and 41% disturbance of remaining trees. • For example the Blackash Bushfire report refers to the medium density dwellings on the bushland fringe as a firewall preventing flame moving into the site, but the Urban Study master plan indicates that this wall is not continuous. Further no consideration in the Urban Study is given to the appropriateness of dense development on the bushland fringe adjacent to a flame zone. <p>The Urban Study has delivered a site proposal that is not based on evidential studies, instead appearing to develop a preferred design and then rationalising it through the various studies. This apparent approach is demonstrated by the lack of detail and substance to justify the masterplan that would inform the parameters of a DCP,</p>
<p>2.3</p>	<p>Site setbacks</p> <ul style="list-style-type: none"> • To integrate new buildings with the adjoining and neighbouring buildings through appropriate landscape buffers and setbacks <p>The language is again vague. For example it is unclear what “variable landscaped setback” referred to in controls 2 and 3 means, and there are no numeric indications of what the minimum setback would be.</p> <p>The 10m setback to existing dwellings to the west of the site at 91 Stanhope Road is not sufficient. Apart from the gross issues of bulk scale to the low density premises, the placement of a 14.5m, 4 storey building in close proximity to the onsite and adjacent HCA C22 directly contravenes Council’s requirements for buildings in the vicinity of an HCA. The building setback to the HCA boundary must be consistent with the requirements of Part 19 of the KDCP which requires a minimum 12m to an HCA boundary.</p> <p>In addition, the proposed 6m landscape buffer must be deep soil landscaping to ensure retention of existing trees and mature planting, and to enable enhancement of that planting to separate and screen the existing single dwelling from the proposed development. It is not sufficient to refer to a “landscape buffer” without stipulating the deep soil requirement.</p> <p>Apart from the lack of evidence to substantiate the building footprint in the provided diagram in this section, the figure 3 diagram requires finite building setbacks to be stated and not left open to conjecture and argument at DA stage.</p> <p>References to the Apartment Design Guide are to be removed, all high density apartments are to be assessed under the KDCP standards which include the Apartment Design Guide. This is particularly important for aged housing as the KDCP insists on requirements to ensure effective provisions for ageing in place.</p> <p>Landscaped mounding and dense screening is also shown adjacent to the western property boundary however there is no explanation and validation of these.</p> <p>The “variable setback” of minimum 6m is not considered to be appropriate separation between buildings and hazard vegetation and does not meet the Aim and Objectives of Planning for Bush Fire Protection 2019, particularly relating to Special Fire Protection Purpose development. The uncertainty created by the “variable setback” allowance is unacceptable. The APZ requirement</p>

	<p>needs to be clear to avoid any further encroachment of built form towards hazardous vegetation.</p> <p>The APZ requirements of Planning for Bush Fire Protection 2019 cannot be met by the proposed site layout, unless a performance-based solution is proposed by the proponent and accepted by NSW Rural Fire Service.</p> <p>The meaning behind the terminology “a landscaped buffer which provides a transition between the bushland and adjacent built form” should be qualified. It is not clear how this relates to the APZ requirements of PBP 2019 and how an appropriate separation between the hazard and buildings or a defensible space can be provided.</p> <p>The terminology used and the ability of the site to provide required setbacks conflicts with the requirements of PBP 2019 and is not considerate of life safety.</p>
<p>2.4</p>	<p>Building design</p> <p>This section must be removed. Consistent with other site specific DCPs in the KDCP, the standards in the relevant parts of the KDCP relating to building design, materials and finishes, residential flat buildings, medium density multi dwelling housing are to apply to this site. Cherry picking standards to deliver outcomes lesser than those expected across the LGA is not acceptable.</p> <p>The proposed DCP does not apply standards that relate to the bulk and scale and associated landscape setting of the built form. It makes no attempt to deliver site specific built form that delivers a landscape character that relates across the site, across adjacent dwelling areas on Stanhope Rd, nor across the bushland setting to the majority of its boundary.</p> <p>Specific controls regarding the built form, the landscaping and the onsite amenity may be applied if they relate to a specific aspect of the site. The purpose of the site specific DCP is to ensure any future development closely relates to the specific site. The purpose of the site specific DCP is not to enable cherry picking of standards from the body of the KDCP and not to enable the application of lesser standard to development outcomes on a site. Since this site is highly controversial it would be expected that the DCP controls are rigorous and apply an elevated standard to the delivery of development on the site.</p>
<p>2.5</p>	<p>Built form controls – medium density housing</p> <p>This section must be removed. Consistent with other site specific DCPs in the KDCP, the standards in the relevant parts of the KDCP relating to medium density multi dwelling housing (townhouses) are to apply to this site.</p> <p>Cherry picking standards to deliver outcomes lesser than those expected across the LGA is not acceptable. The standards being proposed are significantly sub-par to those within the DCP and in fact are lesser than standards of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) - Part 3B Low Rise Housing Diversity Code.</p> <ul style="list-style-type: none"> Any provision of townhouses on the site must be bound by either the KDCP controls or the Codes SEPP controls and not seek to cherry pick from approaches that apply consistent standards to deliver lesser standards on the site. <p>Since the townhouses are aimed at the general population (not seniors) and noted in the</p>

	<p>planning proposal to be aimed at an affluent population, there is no reason why Council's existing standards multi-unit dwelling standards cannot be applied to non-seniors housing consistent with housing aimed at similar populations in the LGA.</p> <p>Refer to the Comparative Table of Proposed Planning Proposal - Townhouse Controls at the end of this chart which demonstrates inconsistency of proposed townhouse standards with the KDCP and standards proposing to bypass the requirements of Codes SEPP Part 3B Low Rise Housing Diversity Code to enable lesser standards.</p> <p>The 'continuous' fire wall to prevent flame entry into the site is not substantiated by any evidence and is inappropriate as an interface to the adjacent Heritage Item at Seven little Australians Park. Council's bushfire study has demonstrated that the wall would not be effective in preventing ember attack which is the more likely reason for fire to be brought into the site.</p>
<p>2.6</p>	<p>Residential amenity</p> <p>This section must be removed. Consistent with other site specific DCPs in the KDCP, the standards in the relevant parts of the KDCP relating to the residential amenity by dwelling type (townhouses) must be applied within the development.</p>
<p>2.7</p>	<p>Communal open space and landscaping</p> <p>Aspects of landscape pertaining to this site should be included in the Built Form section and avoid repeating content already present in the wider KDCP which will continue to apply to this site.</p> <p>This section must be amended to remove communal open space provisions relating to the townhouses. These are already stated in the relevant parts of the KDCP relating to the development type.</p> <p>Since the development is effectively delivering residential flat buildings and townhouses, the amount of communal open space on the site must deliver the areas required by those typologies as stipulated in the KDCP (and SEPP Housing), particularly as a significant part of the site is proposed for non-seniors housing and will be constructed as standard housing for the general population.</p> <p>Inclusion of this section in the site specific DCP must enhance the existing KDCP provisions for communal open space relating to the seniors housing, not diminish it. Provisions should include the amenities to be included within the communal open space such as a grotto, seating area etc as mentioned in the proposal but not translated into the proposed DCP.</p> <p>This part of the DCP can also stipulate requirement for the additional community facilities being provided on the seniors housing site (such as swimming pool).</p> <p>In addition, consideration should be given to including DCP provisions for a community garden for elderly residents and active living opportunities such as a lawn bowls court and other outdoor based activities mentioned in the urban design report.</p> <p>The urban report refers to the Headfort House garden area and certain inclusions which have not been stated in the DCP.</p> <p>Council has submitted a planning proposal to heritage list Headfort House and its curtilage, the proposal is with the Department awaiting a Gateway.</p>
<p>2.8</p>	<p>Access, movement and parking</p>

	<ul style="list-style-type: none"> • To provide for service access and loading which minimising impacts on residents within the site and the surrounding area. <p>Objective 2 of the Access, movement and parking provisions of the draft DCP seeks to minimising vehicle access impacts on residents within the site and the surrounding area. However, with the proposed new access road along the western boundary of the site, this introduces a new and relatively intense level of movement adjacent to the existing adjoining low density residential uses.</p> <p>It is estimated that during the am and pm peak hours there would be 50-60 trips along this new driveway, or up to 1 vehicle per minute (excluding service vehicles). This level of movement would not necessarily be an issue for a site located in a town centre with higher density surrounding land uses, but with low density residential uses directly adjacent to the driveway at the western end of the site, access to the basement car park should be provided via the Main Street, and First Avenue (at the western end) should be connected to Main Street, to avoid the impacts to the adjoining low density residential land uses.</p> <p>Vehicular site access adjacent to 91 Stanhope must be removed. The main vehicular access should remain as current at the centre of the site. The impacts of the expected volume of traffic, cars, loading, removals and garbage trucks, accessing the entirety of the site including the basement parking are undisputable and unreasonable to place adjacent to existing low density development particularly that within an HCA.</p> <ul style="list-style-type: none"> • To ensure the road network provides an appropriate level of access for bushfire protection. <p>This objective has no controls relating to it. The planning proposal's bushfire report by Blackash provides no meaningful detail to demonstrate the meaning of this objective.</p> <ul style="list-style-type: none"> • To replace the existing road network and provide for enhanced vehicular and pedestrian access through the site and to the surrounding area. <p>The DCP does not indicate how site permeability is achieved nor is there any indication of existing rights of ways being maintained across the site. The massed horizontal blocks of continuous built form create physical separation across the site and are more representational of urban development rather than built form responding to a bushland setting.</p>
<p>2.9</p>	<p>Accessibility</p> <p>This section must be removed. Consistent with other site specific DCPs in the KDCP, the standards in the relevant parts of the KDCP relating to accessibility are to apply to this site. Cherry picking standards to deliver outcomes lesser than those expected across the LGA is not acceptable. The standards being proposed are significantly sub-par to those within the DCP.</p> <p>This is in direct conflict with the content of the planning proposal which argues grounds for the proposal enabling housing that promotes ageing in place.</p> <p>Ku-ring-gai Council require high provision of Liveable Housing in medium and high density development to ensure the housing enables ageing in place and continued access. Given this site is proposing housing for the elderly the standards stipulated in the DCP should in fact be increased on this site not decreased.</p> <p>The reduced accessibility standards for the proposed townhouses is not accepted. Council has successfully argued in Court for full provisions as per the KDCP for all townhouses including</p>

	<p>access across the site to dwellings.</p> <p>Inadequate access provisions, or the inability to provide adequate access across the site, to the townhouses located at the bushfire flame zone perimeter demonstrates the inappropriateness of this typology on the bushland fringe of fire prone land and on this topography. Single dwelling homes on appropriate lot sizes developed for bushfire prone lands within Ku-ring-gai should be considered on this fringe land.</p>
2.10	<p>Topography and earthworks</p> <p>Remove this section as it implies acceptance of earthworks and conflicts with the KDCP controls. Any stepping nature of the built form that is over and above that already stipulated in the KDCP should be included in the Built Form Section of the proposed DCP.</p>
2.11	<p>Bushfire management</p> <ul style="list-style-type: none"> • To provide for the protection of human life and minimise impacts on property from the threat of bushfire, while having due regard to development potential, site characteristics and protection of the environment. <p>The objective is in direct conflict with the entire development. The proposal’s bushfire report by Blackash lacks evidence to underpin and demonstrate how the masterplan would deliver safe homes to an increased population of vulnerable elderly people and a further population of residents including children.</p> <p>The single reference control provided would only be acceptable if the planning proposal masterplan provided the detail required to ascertain the possibility of increased populations being protected on this site.</p> <p>The single control “Any future development must obtain a Bush Fire Safety Authority under s100B the Rural Fires Act 1997” is a given. The site specific DCP requires specific controls relating to the demonstrated model to deliver bushfire safe built form on the site taken from an evidenced bushfire study and translated into the urban considerations of the masterplan.</p> <p>This DCP requires detailed objectives and controls based on a master plan underpinned by evidenced bushfire, ecology, landscape, heritage and urban studies to deliver appropriate development on the land. The role of the site specific DCP is ensure those safety and design standards are provided as a minimum in any future development application.</p>
	<p>Missing content</p> <p>A section relating to heritage is required, including diagrams, to address heritage items, HCA and the potential Headfort House heritage item.</p> <p>Where new terms are included, these must be defined in the Dictionary ensuring consistency with definitions of any SEPP and the KLEP.</p> <p>State Government is seeking Council’s to develop Green Grid and Urban Forest Canopy strategies as well as strategies that consider climate change and the requirements for resilience in the predicted future of unpredictable and extreme climate events. Given the bushland context, intact canopy cover and bushfire related aspects of the site, the proposed DCP should look to specific controls that deliver higher levels of landscaping and reduced hard surfaces than those enabled through the KDCP.</p>

	Given the scale of the development the site specific DCP should consider incorporating green building certification requirements for all the residential components to a 4 or 5 star GBCA rating.
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COMPARITIVE TABLE OF PROPOSED PLANNING PROPOSAL - TOWNHOUSE CONTROLS

The Comparative Table of Proposed Planning Proposal - Townhouse Controls demonstrates inconsistency of proposed site specific DCP townhouse standards with the KDCP, and standards proposing to bypass the requirements of Codes SEPP Part 3B Low Rise Housing Diversity Code to enable lesser standards afforded to low impact development.

- Any provision of townhouses on the site must be bound by either the KDCP controls or the Codes SEPP controls and not seek to cherry pick from approaches that apply consistent standards to deliver lesser standards on the site.

COMPARITIVE TABLE OF PROPOSED PLANNING PROPOSAL - TOWNHOUSE CONTROLS

CONTROLS	KU RING GAI DCP	CODES SEPP - PART 3B LOW RISE HOUSING DIVERSITY CODE.	PLANNING PROPOSAL – SITE SPECIFIC DCP CONTROLS
Front Setback (minimum)	10m to Primary Street 8m to Ground Floor Private Open Space - Primary	3.5m	2m to building façade line 1m to articulation zone
Side Setback (Semi detached dwellings)	3m	1.5m	0m (side A) / 0.9m (side B)
Side Setback (Attached dwellings)	0m on both sides		0m on both sides
Rear Setback	6m	Varies from 3m-15m based on lot area and height	4m
Length of zero lot line on boundary			24m
Corner Lots Secondary Street Setback (minimum)	8.0m from the Secondary street boundary with a 6.0-8.0m articulation zone. No more than 40% of the articulation zone is to be occupied by the building.	2-5m based on lot area	2m
Building Height (Maximum)	3 storeys	2 storeys	3 storeys
Site Coverage	Maximum Site Coverage for the entire Site – 40%	N/A	Maximum 65% of the lot area
Landscaped Area	Minimum deep soil landscaping area of 40%	Where concurrent subdivision is proposed:	Minimum 25% of the lot area

Assessment of proposed site specific DCP - Planning Proposal PP-2022-658
 To rezone, increase height and FSR at 95-97 Stanhope Rd, Killara (Lourdes Retirement Village)

CONTROLS	KU RING GAI DCP	CODES SEPP - PART 3B LOW RISE HOUSING DIVERSITY CODE.	PLANNING PROPOSAL – SITE SPECIFIC DCP CONTROLS
	of the site area provided within common areas only	The minimum area that must be provided for each resulting lot - 20% of lot area. Where no subdivision is proposed: The minimum landscaped area that must be provided is 20% of the parent lot area of which at least 36m ² is to be allocated to each dwelling.	
Principal Private Open Space (Minimum)	Minimum 25sqm with minimum dimension of 4m.	16sqm with a minimum width of 3m	Minimum 20sqm with minimum dimension of 4m.
Garages and Car Parking	Car parking allowed in basements only	3.2-6m depending on lot widths	Maximum carport and garage door width not to exceed 3m (single) or 6m (double).
Solar Access	<p>All dwellings are to receive a minimum of three hours direct sunlight to the living room and/or dining room, and to the Primary private open space between 9am and 3pm on 21st June.</p> <p>All developments are to allow the retention of at least three hours of sunlight between 9am and 3pm on 21st June to the living areas and the private open spaces and communal open spaces of multi dwelling housing and any low density residential development on adjoining lots.</p>	The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21).	<p>1) Medium density housing is to be designed to receive a minimum of three hours direct sunlight to the living room and/or dining room between 9am and 3pm on the 21st of June. This may be achieved by locating living spaces at the upper levels and through provision of skylights and high ceiling windows.</p> <p>2) For the medium density housing, 50% of the Principal Private Open Space should achieve 3 hours of sunlight between 9am and 3pm on the 21st of June. Where this is unable to be achieved a balcony with minimum size 15sqm with a minimum depth of 3m is to be provided above ground level which achieves 3 hours of solar access in midwinter.</p>

Part 5 - Heritage Assessment

Heritage Comments

*Planning Proposal to rezone and increase height and FSR at 95-97 Stanhope Rd, Killara
(Lourdes Retirement Village)*

1.0 Overview: Inadequate provision for conserving heritage

The current planning proposal for rezoning and substantial new building envelopes in the vicinity of Headfort House, the conservation area and adjoining heritage items breaches the Ministerial local planning direction for heritage conservation under section 9.1(2) of the Environmental Planning and Assessment Act 1979. **This is because the proposed planning instrument and supporting development controls do not facilitate conservation of listed and assessed heritage with the following key omissions and impacts:**

1. No heritage listing of Headfort House and its setting of assessed significance;
2. Proposed height, proximity and density of development does not respect and conserve the significance of Headfort House and its setting, the setting of the conservation area and adjoining heritage items.
3. No provisions in the development control plan for conserving the significance of Headfort House and its setting, the setting of the conservation area and adjoining heritage items or relics.

The Ministerial direction 3.2 mandates:

“Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction 3.2

(1) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area...”

Conserving heritage needs to be addressed and contained in the proposed planning **provisions** – in the local environmental plan or development control plan – not simply attached heritage assessment reports with no statutory effect. This Ministerial direction is not addressed by suggested

actions outside of the subject planning proposal, at a later stage, or in reports alone. Specifically, the Urbis Heritage Impact Statement of June 2021 and GML Heritage Headfort House Assessment of May 2017 make no provision for conserving the heritage of this site of Headfort House and its setting, the heritage conservation area, heritage items in the vicinity or relics. The submitted discussion about heritage issues and impacts does not meet the standard required by the Ministerial direction that a planning proposal must contain provisions to facilitate conservation.

Conserving heritage needs to be addressed at the same planning stage with equal statutory effect as proposed provisions for development, so that heritage is adequately conserved in the planning proposal. The planning proposal needs to conserve the setting and views of significant places and areas, as well as fabric and relics, to meet the objectives of Ku-ring-gai Local Environmental Plan 2015 for heritage conservation. The object of this plan is “to conserve the heritage significance of heritage items and heritage conservation areas, **including associated fabric, settings and views** [and] **archaeological sites**” (clause 5.10). These are the matters that need to be addressed in the planning proposal to facilitate conservation of significance in line with the Ministerial direction.

2.0 Places, buildings, relics, objects and precincts of heritage significance

2.1 Headfort House and its setting

Headfort House and its setting is identified as having heritage significance in the proponent’s submitted heritage assessment by GML Heritage of May 2017. It is also identified as having heritage significance in Council’s heritage assessment review of September 2022 submitted in a separate planning proposal. Council’s determined curtilage is shown below bound with a heavy black line. The yellow line bounds the location of features of some significance beyond this curtilage, identified in Council’s heritage assessment review of the GML Heritage assessment.



Identified significant features within this curtilage include:

- Headfort House in full, including interiors, garage and chapel additions

- Headfort House setting, viewed in the round;
- Visual and physical connection of Headfort House to Stanhope Road, the main entrance drive and turning circle;
- Garden setting and former tennis court near Headfort House; and
- Mature early trees within the front garden of Headfort House, particularly the Norfolk Island Pines.

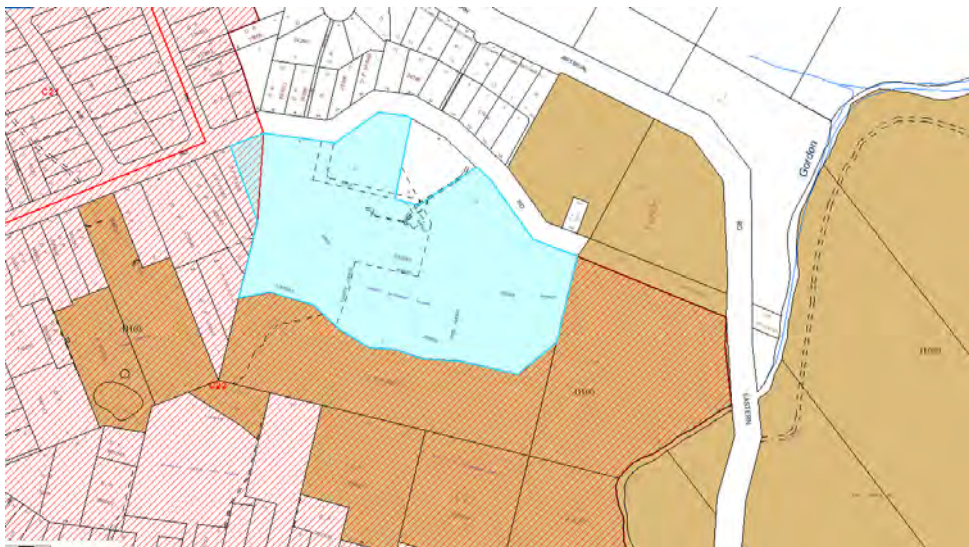
Features of some significance beyond this curtilage that also need to be considered in this proposal include the following features within the yellow bound area:

- Mature Phoenix Palms and Norfolk Island Pines to the west of the front garden along Stanhope Road and the avenue along the main entrance road to the east of Headfort House.
- Potential archeological relics of inter-war building to the west of Headfort House
- Turning circle and Grotto to the south-east of Headfort House.

2.2 Existing heritage items and conservation area

The subject Lourdes site is ringed by a heritage conservation area and heritage items. The only unlisted surrounding land is part of the opposite side of Stanhope Road. The surrounding conservation area and heritage items are characterised by low density Federation and inter-war residential development in landscaped settings, plus vegetated landscapes or public parks of high visual amenity. It is the parks that are listed individually as heritage items.

The location of the heritage items is shaded brown, and the conservation area hatched red below.



Currently listed places and precincts include:

- **Crown Blocks Conservation Area, C22:** to the west, south and east of the Lourdes site, including part of the subject site, as hatched red in the above maps. The statement of significance for this area notes:

The area has aesthetic significance for the intact Federation and Inter-war houses, with some examples of mid to late twentieth century development. Nelson Road consists mainly of Federation period houses with consistent siting, massing and architecture. Lightcliff Avenue represents a significant example of cohesive subdivision and development with housing styles including Inter-war Mediterranean and Old English. The Seven Little Australians Park and Killara Oval are important inclusions to the HCA, providing large landscape elements of high visual amenity.

- **Seven Little Australians Park,** heritage item I1100: to the south and east of the subject site. The statement of significance for this park notes:

The site has aesthetic significance for its built and natural components including bush vegetation, rock outcrops, and its character and style expressing Edna Walling's landscape design influence. Key built landscape elements include the stonework walking tracks, paths, drains and columns, and a gatehouse flanked by low curved walls, possibly built by Unemployment Relief Scheme work gangs during the 1930s Depression era.

The site was originally part of Lindfield Park, established as public parkland in 1907. It is associated with the work of the Lindfield Progress Association, formed in 1897.

The site is associated with a number of individuals of note. Richard H Patterson, Council's Parks Officer, who was responsible for numerous works for Council including the Seven Little Australians Park, Pymble Soldiers Memorial Park, Wahroonga Park and the former Roseville Baths. Patterson was associated with the Parks and Playground Movement of NSW, the Town Planning Association, and was the first Australian to be made a Senior Fellow of the American Institute of Park Executives. Ethel Turner is another individual associated with the item. Turner was the author of the 1894 children's book Seven Little Australians, for which the park is named.

- **Swain Gardens,** heritage item I1103: to the west. The statement of significance for this park notes:

The site is significant as a high English Garden design for the period, associated with the Swain family and the National Trust.

The concept of developing the back block to the original and comparatively modest 1920s family bungalow is typically Australian, here realised on a grand scale for the period. The site as a whole comprising the house, the flagstone barbecue area, the Garden Room, the extensive area of cement paving and sandstone walling, the pond roundel and the sandstone flag sundial, forms

a living catalogue of social attitudes and taste of the period, unusual for its survival in a rapidly changing suburban environment.

The site is significant as the idiosyncratic creation of an amateur garden designer who had the private means to construct a garden of an extent and design consistency that is uncommon for its period in suburban Sydney. It is representative of a now vanishing popular garden style of paths and sandstone terracing that had its origins in accessible garden literature of the 1920s to 1960s such as Your Garden magazine.

The site amalgamation comprising the Swain Gardens, the Swain Reserve, Wombin Reserve and associated areas of urban bushland, reflects the public generosity of the original benefactors and is the manifestation, however contradictory, of the ongoing popular Australian iconographical romance with the bush, often suburban based and notable in the literature, although not contemporary, of Henry Lawson, Banjo Paterson, and others.

The subsequent development of the garden since Council ownership, with the addition of plant species and the subtle but complimentary re-interpretation of the English Garden, further contributes to this significance (Source: Environment Design Group, Swain Gardens Plan of Management, 1992)

- **Lindfield Soldiers Memorial Park**, heritage item I1099, to the east.

The site is significant as an official memorial built by Ku-ring-gai Council and the community to commemorate the servicemen and women of World War I and II.

Key built elements within the site include the War Memorial Gates, dedicated in 1922, consisting of two sandstone arches with wrought iron gates; the Avenue of the Fallen, a memorial of living trees in Tyron Road leading, dedicated in 1956; sandstone flagging; and memorial plaques.

3.0 Planning proposal assessment

3.1 Heritage impacts

The planning proposal will provide for a built form that will have an unacceptable impact on the setting of Headfort House within the site, the adjoining Crown Blocks Conservation Area and listed parks in the vicinity. It bears no appropriate relationship to its significant context that is currently characterised by low density residences of one or two stories, vegetated gardens, parks and bushland.

The height, depth, bulk and density of the proposed built form of up to 6 stories, projecting above the tree canopy, with little division between building forms for open space or deep vegetation, will present as a wall of buildings that will dominate the streetscape, the two-storey Headfort House and detract from the bushland setting of the adjoining listed parks. The impact is increased by the proposed concentration of the tallest and densest development in close proximity to the listed conservation area to the west and significant Headfort House. Building heights of up to 14.5 and 20.5 metres are proposed in close proximity to Headfort House and the conservation area.

No minimum or measured setbacks are provided from the significant Headfort House or the western conservation area boundary. The proposed building heights have not been stepped down in height to transition to the height of these significant buildings to minimise the impact on historic development in the vicinity. This does not conform with the setback requirements for new development in the vicinity of a heritage item in Ku-ring-gai's development control plan of section 19E.3. This is included over the page.

The proposed increased density from 0.3:1 to 0.75:1 FSR will not only increase the visual bulk of the built form but will reduce the capacity for deep vegetation planting to minimise this impact over time. This density and resulting limitations on vegetation is out of character with the surrounding natural heritage items and garden settings of buildings in the conservation area.

The visual impact of the bulk and height of development proposed is exacerbated by the elevated position of the Lourdes site, meaning it will be visible from a distance, including the public spaces of Lindfield Soldiers Memorial Park. Seven Little Australian Park has many walking tracks which since the early days of the suburb have provided bushland retreats from other built-up areas. This sense of escape will be lost if these areas will be overlooked by development of the height and density proposed.

3.2 Submitted documentation – provisions to facilitate conservation

The submitted reports and drawings for this planning proposal do not adequately illustrate or assess the impact of the proposed built form on the setting and views of Headfort House, the conservation area and adjoining parks or potential relics.

The Urbis and GML heritage report make no recommendations for provisions in the planning proposal to conserve the significance of Headfort House and its setting, the heritage conservation area and heritage items in the vicinity through proposed listing or development control provisions. This does not satisfy the Ministerial direction for heritage conservation. The conclusions of Urbis about the acceptability of the proposal have not been demonstrated.

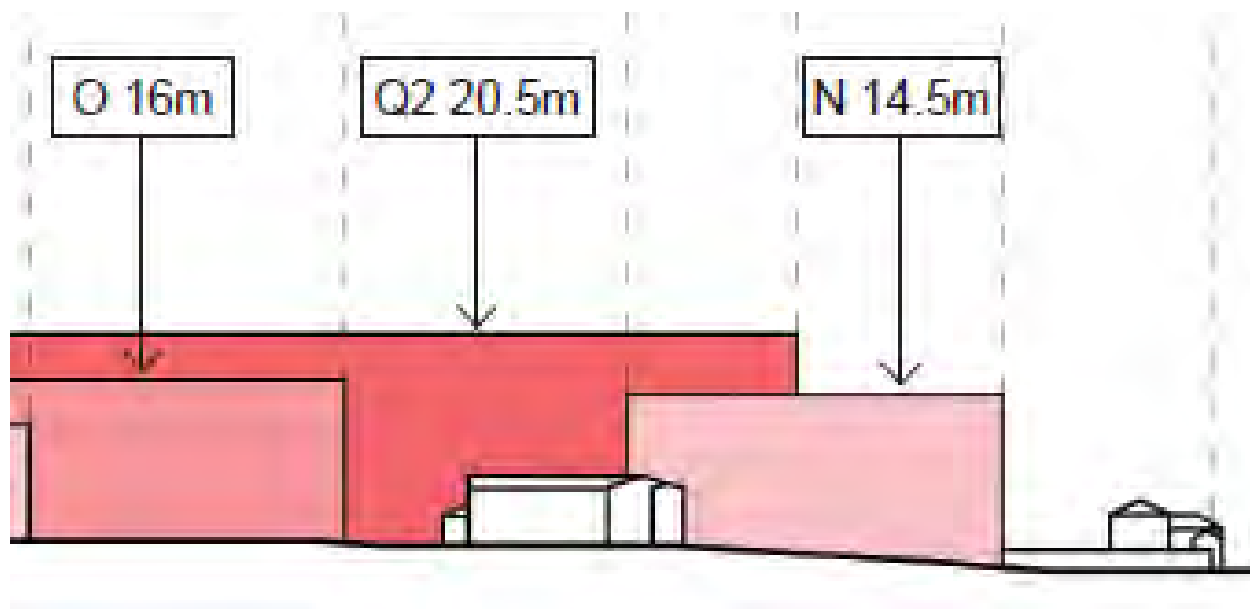
The submitted graphics of the proposed built form are inadequate to support the proponent's conclusions that the built form will have acceptable heritage impacts on the setting of heritage in the vicinity. The elevated views provided of the proposed built form disguise the bulk and height of

the development and is a view that will not be accessed or appreciated by anyone, except in flight. No photomontages or similar graphics are provided that show the visual relationship of the proposed six-storey and other proposed buildings to the two-storey Headfort House, or adjoining buildings of the conservation area, as it will be experienced by most people from ground level. No views to the proposed development from key surrounding vantage points, including the heritage items of parklands and the Stanhope Road streetscape, have been submitted to accurately represent its visual and heritage impact on the setting of historic buildings and parks in the vicinity.

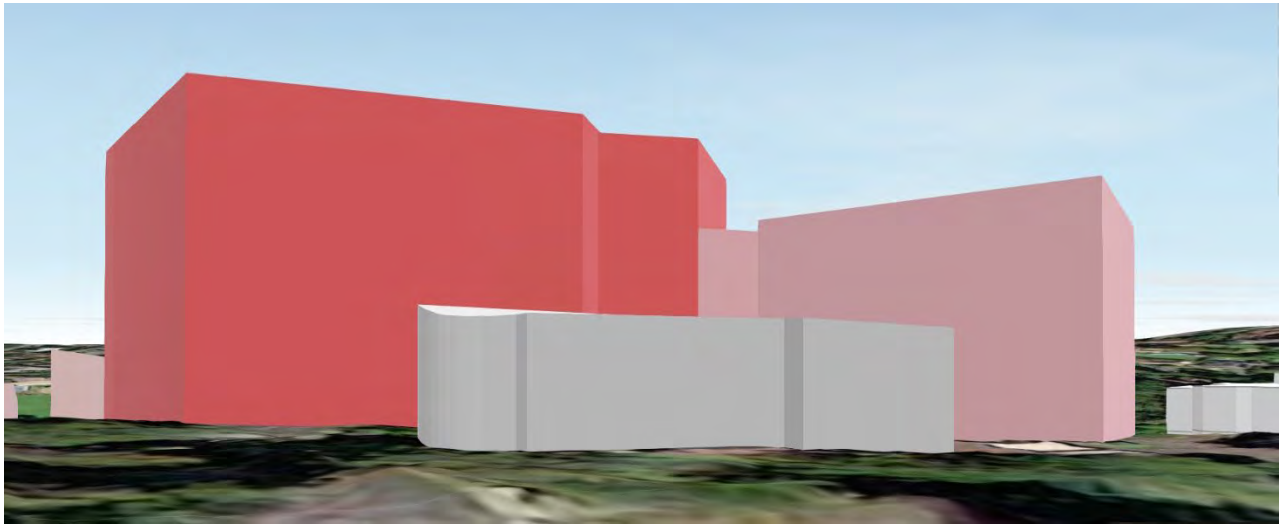
Council's modelling and elevations of the proposed maximum building heights in relation to Headfort House, the adjacent conservation area buildings and in views from listed parks are shown below. These illustrations were not provided by the proponent with the planning proposal. These have been generated based on their raw data that was supplied to Council on request. These more clearly indicate the impact of the proposed development standards in relation to the context and as viewed from the public domain at ground level, as discussed above. Note the proposed maximum building heights are higher than illustrated in the proponent's modelling.

The proposed development control plan contains no heritage provisions to conserve Headfort House fabric or setting, the surrounding listed places or potential archaeological relics. The only noted provision relates to materials of new buildings. This is not adequate to conserve the heritage significance of the conservation area, the proposed and existing heritage items, including conservation of fabric, setting, views and archaeological sites, as set out by the heritage objectives of Ku-ring-gai Local Environmental Plan 2015.

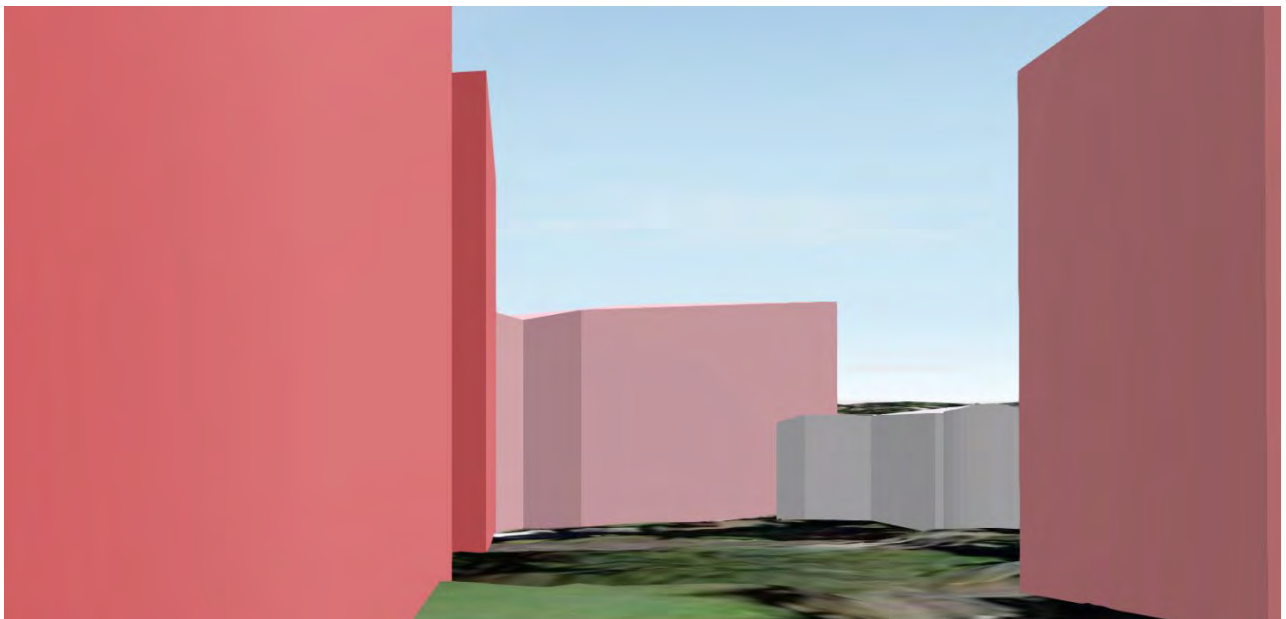
The heritage reports contain no assessment of archaeological potential and no provisions to comply with the Heritage Act 1977 requirements for excavation permits to conserve potential relics.



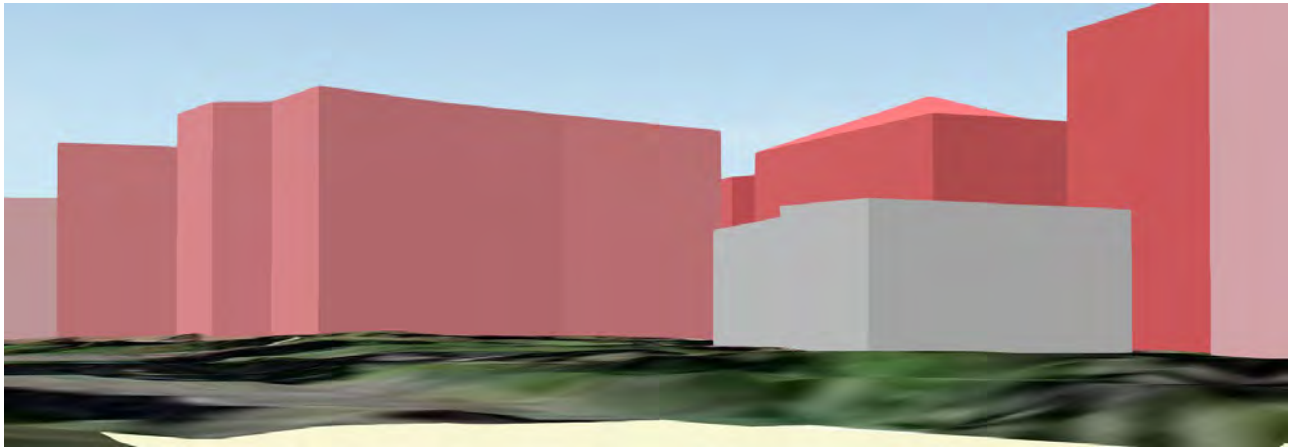
Above: Extract of Stanhope Road elevation. Existing buildings are unshaded white including Headfort House at centre and the conservation area building at far right. Proposed maximum building heights are shaded in red and pink.



Above: Stanhope Road view from north of Headfort House and adjacent buildings. Existing buildings are shaded grey including Headfort House at centre and the conservation area building at far right. Proposed maximum building heights are shaded in red and pink.



Above: Internal site view from the east of Headfort House, showing the setback of proposed building heights from Headfort House. Existing Headfort House is shaded grey. Proposed buildings are shaded in red and pink. The full building heights continue out of frame to the left and right.



Above: Streetscape view from west side of Headfort House, looking down Stanhope Road to proposed buildings to the east of Headfort House, with more buildings out of frame to the right.



Above: Lindfield Soldiers Memorial Park view from the south-east of the proposed maximum building heights. This shows the relationship of the proposed building height, scale and density relative to the tree canopy on the site and surrounding natural and built context. Proposed maximum building heights are shaded in red, pink and pale pink. Existing built form on surrounding land is shaded grey.



Above: Full street elevation and site plan of proposed maximum building heights.

19E.3 SETBACKS

Objectives

- 1 To ensure new work to heritage items respects and contributes to character of the heritage item.
- 2 To ensure new development provides an interface of scale and bulk to preserve the amenity to the significant elements within the heritage curtilage.
- 3 To ensure new medium density development does not visually dominate the Heritage Item, where this type of development is considered appropriate.

Controls

- 1 In addition to the side and rear setback controls in Section A of this DCP, new development on the site of a Heritage Item is to comply with the following:
 - i) new buildings are to have a minimum 12m building separation to significant elements of the Heritage Item (more if setback requirements are not met within the 12m) as per Figure 19E.3-1;
 - ii) adjacent buildings are not to exceed a facade height of 8m from existing ground level, including balustrades;
 - iii) adjacent buildings with a building mass above 8m high from existing ground level are to be stepped back an additional 6m from significant elements of the Heritage Item as per Figure 19E.3-1; and
 - iv) where variations in setbacks exist the larger setback will apply.

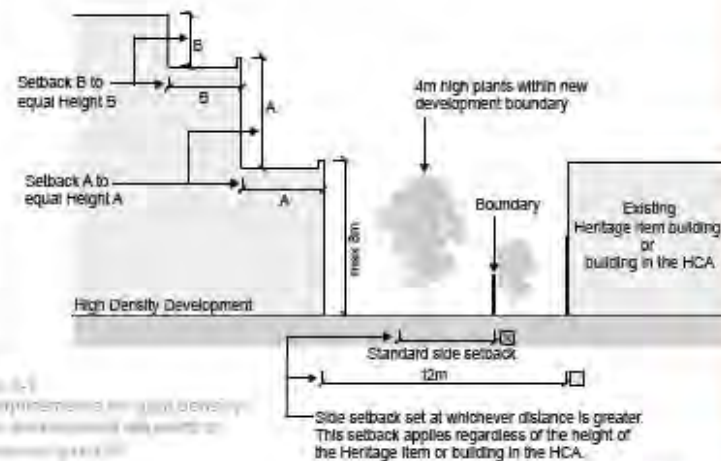
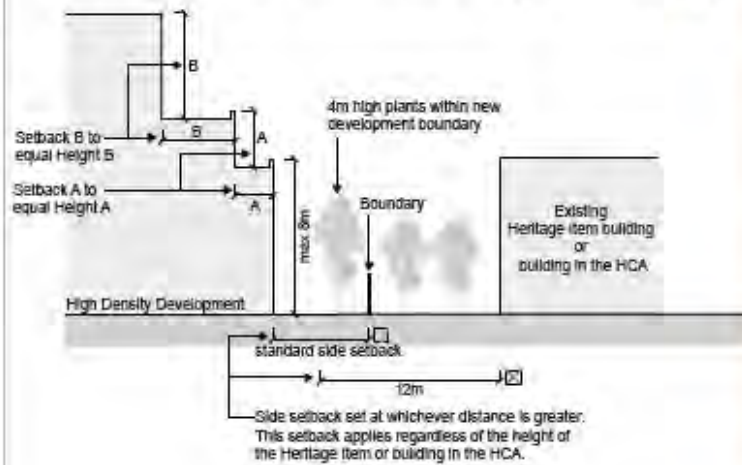


Figure 19E.3-1
 Standard side setbacks for high density
 and medium density development with setbacks to
 the Heritage Item or building in the HCA

Ku-ring-gai Development Control Plan

Above: Existing controls for setbacks to heritage items and buildings in conservation areas.

3.3 Conclusion

For these reasons, the proposal does not meet the objectives of the heritage provisions of Ku-ring-gai Local Environmental Plan 2015 or satisfy the Ministerial direction for heritage conservation. It is therefore recommended that the planning proposal is refused or substantially revised as set out below.

4.0 Recommendations

To fulfil this Ministerial direction for heritage conservation and the heritage conservation objectives of Ku-ring-gai Local Environmental Plan 2015, the following is recommended as a minimum:

To fulfil this Ministerial direction for heritage conservation and the heritage conservation objectives of Ku-ring-gai Local Environmental Plan 2015, the following is recommended as a minimum:

4.1 Heritage listing of Headfort House in its setting

- Headfort House in its setting is listed as an item of environmental heritage on Ku-ring-gai Local Environmental Plan, as proposed in Council's planning proposal for listing, as part of this planning proposal or prior to its determination, and heritage issues accordingly considered in the proposed planning instrument and development controls as recommended below.
- The heritage item listing includes the significant setting, as determined by Council in its planning proposal and shown in the curtilage map above. This curtilage was prepared in line with Council's resolution of July 2022, as recommended by Council's heritage assessment review of September 2022. This is based on a review of the GML Heritage report, further investigation and determined in accordance with NSW Heritage Council standards, in order to reasonably capture the most significant features of the item and its setting.
- Further features of some significance located beyond this minimum curtilage are recommended for conservation through provisions in the development control plan noted below.

4.2 New built form is to conserve Headfort House including its setting

- The proposed building envelopes in the vicinity of Headfort House are modified in order to retain and respect the setting of the proposed heritage item as follows.
- Built form proposed within the recommended heritage curtilage does not exceed the height of Headfort House, in terms of corresponding wall and roof ridge heights.

- Built form proposed beyond the recommended heritage curtilage is transitioned in height to step down to the boundary of the curtilage to not exceed the Headfort House wall and roof ridge heights.
- The development control plan requires materials and finishes of buildings within or beyond the border of this curtilage to be sympathetic to Headfort House and its garden setting.
- The development control plan requires proposals for new buildings surrounding Headfort House to include repair and conservation of the historic building fabric of Headfort House for positive heritage impacts.

4.3 Landscaping is to conserve Headfort House including its setting

- The accompanying development control plan require conservation of the garden setting of Headfort House, including retention of mature Phoenix Palms and Norfolk Island Pines located within the heritage curtilage and beyond the curtilage along Stanhope Road and the entrance drive.
- The accompanying development control plan require conservation of the historic grotto and its moveable features of some heritage significance to the site, located beyond the heritage curtilage.

4.4 Excavation is to conserve potential relics to comply with the Heritage Act 1977

- The development control plan requires an excavation permit from the Heritage Council of NSW under section 139 of the Heritage Act 1977 for any proposed excavation or disturbance of the site to the west of Headfort House before development consent is determined.

4.5 New built form is to conserve the setting of the conservation area and heritage items in the vicinity

- Building heights should not exceed the tree canopy to minimise visual impacts on the surrounding listed parks.
- Building heights should be transitioned or stepped down to the west conservation area boundary to reflect the scale of the conservation area buildings.

Part 6 - Ecology Assessment

Ecology comments - *Planning Proposal PP-2022-658 - 95-97 Stanhope Rd, Killara*

A review has been undertaken on the Ecological assessment prepared by Actinotus Consultancy Services (ACS) – Environmental P/L' (formerly Actinotus Environmental Consultants) June 2021 and the Arboricultural Impact Appraisal and Method Statement by Naturally Trees – 2 June 2021.

The following comments are made with regards to the above documents.

The arborist report indicates the removal of 59% of on-site trees with 85 of removed trees considered high category and the potential disturbance of 37% of the remaining trees.

A review has been undertaken of the NSW Biodiversity Values map. The map shows the subject property as being mapped as containing "High Biodiversity Values" (Figure 1).

Figure 1 Biodiversity values mapping over the subject property



Vegetation onsite.

The ecological report makes reference to vegetation mapping (Sydney Metro vegetation mapping project) that maps the subject property as supporting a number of plant community types (PCT). The north-western portion of the subject property is mapped as supporting two small patches of PCT 1281 Turpentine - Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion.

PCT 1281 is representative of Sydney Turpentine Ironbark Forest (STIF) listed as a Critically Endangered Ecological Community (CEEC) under the *Biodiversity Conservation Act 2016*.

A review of the statewide vegetation type map identifies the south-western corner of the subject property as supporting PCT3136 Blue Gum High Forest. PCT 3136 is consistent with Blue Gum High Forest (BGHF) listed as a Critically Endangered Ecological Community (CEEC) under the *Biodiversity Conservation Act 2016*.

The ecological assessment is deficient in that it does not validate or map the extent of the onsite vegetation communities. Any future rezoning proposal must provide a vegetation map that identifies the extent of the onsite PCT should be provided with the rezoning submission.

Threatened species surveys

The ecological assessment report presents a desktop review and does not identify any survey effort to determine presence/absence of threatened flora and fauna species recorded within the locality. The extent of survey presented within the ecological assessment report is inconsistent with following guidelines referenced by the Office of Environment Heritage for biodiversity surveying

- Threatened biodiversity Survey and Assessment: Guidelines for Developments and Activities November 2004
- Field survey methods for amphibians Threatened species survey and assessment guidelines (Department of Environment and Climate Change 2009)
- Surveying threatened plants and their habitats NSW survey guide for the Biodiversity Assessment Method (Department of Planning, Industry and Environment)

There is no impact assessment contained within the ecological assessment report that acknowledges the threatened species of plant or animal that are impacted upon by the proposal for example the proposal seeks to remove foraging resources for Grey-headed Flying-fox (*Pteropus poliocephalus*) however no impact assessment has been prepared in accordance with section 7.3 of the *Biodiversity Conservation Act 2016*.

Ecological assessment

The ecological report makes mention of the assessment of significance under “*Threatened Species Conservation Act 1995*”. No assessment of significance is contained within the ecological assessment, further the *Threatened Species Conservation Act 1995* (TSC Act) has been repealed and replaced with the *Biodiversity Conservation Act 2016* (BC Act).

The assessment pathway under part 5A of the TSC Act is incorrect.

It is understood that a rezoning application does not need to identify the assessment pathway, however based upon the site being identified upon the NSW Biodiversity values map and mapped as supporting both critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest, the assessment pathway would be via a biodiversity development assessment report (BDAR) instead of an assessment of significance under section 7.3 of the BC Act.

A review of the bushfire report prepared by Blackash Bushfire Consulting identifies management over the entire site as an asset protection zone (APZ). The current tree canopy coverage over the subject property is inconsistent with that of an APZ as set out in the Rural Fire Service Document Planning for

Bushfire Protection 2019. The canopy coverage within the subject property exceeds the maximum of 15% as set out in the RFS document. Management of the vegetation within the southern portion of the property in particular will result in the removal of native vegetation mapped upon the NSW Biodiversity Vales map (Figure 1). A BDAR will be necessary to be submitted with a future DA.

The ecological assessment fails to consider direct and indirect impacts upon the downstream environment which supports habitats for threatened species, in particular it is understood that the proposal will result in extensive excavation activities including basements across the majority of the plateau area to the north of the site, and subterranean tunnels proposed in the Blackash report. These may result in changes in the hydrological environment to the downstream receiving environment. These impacts have not been considered in the ecological assessment report.

Further ecological works to be undertake include mapping of the extent of the onsite PCTs and threatened species survey in accordance with published guidelines. The rezoning of the subject property should not be considered until such times that the impacts upon threatened species of plant and animal and listed endangered ecological communities are fully considered through the provision of a BDAR.

Recommendation

It is recommended that the planning proposal be re-submitted and include accurate information and a more sound and detailed master plan that addresses the cumulative impacts that would result from the proposal.

John Whyte • Ecological Assessment Officer • Ku-ring-gai Council
18-10-2022

Part 7 - Transport and Traffic Assessment

Transport and traffic aspects of the Planning Proposal

95-97 Stanhope Rd, Killara - PP-2022-658

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 on weekdays 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.

There is significant inconsistency with the strategic objectives of the *Future Transport Strategy 2056* due to the sites inaccessible distance for active transport and public transport options. 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/800m 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 identified in the transport assessment, 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, the Planning Proposal will result in in the continued 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.

It is Council's experience that whilst there is provision of onsite shuttle bus services, there are no mechanisms to mandate private services and often they are not realised or dwindle over time. Ensuring increased housing densities are located close to Centres and transport as stated in the Greater Sydney Region Plan and the North District Plan removes the variable of onsite managed facilities.

Traffic generation

The Arup Transport Assessment (June 2022) estimates the traffic generation of the proposal. For the townhouses, the RTA traffic generation rate for medium density residential flat building was used (0.5-0.65 vehicle trips per hour in the peak hour) to derive total and peak hour traffic generation.

While the building typology of the townhouses is that of medium density residential flat buildings, the location factor (>1.3km from transport and services/facilities) is likely to result in the townhouses generating traffic similar to low density residential dwellings (0.85 trips per dwelling during the peak hour), as townhouses are likely to be located in a "missing middle" configuration

(i.e. close to a retail/transport core, and located between high density/mixed use, and low density residential).

Given that there are 63 townhouses proposed, the traffic generation if considered to behave as low density residential dwellings, would be 54 trips in the peak hour (vs 41 trips per hour as medium density). While this is unlikely to have operational impacts to surrounding intersections, there would be implications for the neighbouring property at 91 Stanhope Road given the location of the proposed access driveway at the western end of the site.

It is estimated that during the am and pm peak hours there would be 50-60 trips along this new driveway, or up to 1 vehicle per minute (excluding service vehicles). This level of movement would not necessarily be an issue for a site located in a town centre with higher density surrounding land uses, but with low density residential uses directly adjacent to the driveway at the western end of the site, the western driveway access should be removed. Access to the basement car park should be provided via the Main Street, and First Avenue (at the western end) should be connected to Main Street, to avoid the impacts to the adjoining low density residential land uses.

Objective 2 of the Access, movement and parking provisions of the draft DCP seeks to minimising vehicle access impacts on residents within the site and the surrounding area. However, with the proposed new access road along the western boundary of the site, this introduces a new and relatively intense level of movement adjacent to the existing adjoining low density residential uses.

Evacuation capacity

As part of the Bushfire Evacuation Risk Assessment, assessments were made of the exit capacity of Stanhope Road to cater for the expected number of vehicles in the area. These assessments were made based on Exit Road Criteria (Cova, 2005), and based on an interrupted roadway capacity of 800 vehicles per hour per [exit] lane

The existing Stanhope Road catchment area has an existing effective total of 256 dwellings, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 206 dwellings (as shown in Table 3).

The amendments sought by the Planning Proposal would result in an effective total of 330 dwellings within the catchment area, exceeding the recommended maximum 50 dwellings for the one exit road (Stanhope Road) by 280 dwellings.

Within the catchment area, the current number of dwellings and the increased number of dwellings that would result, as indicated in the planning proposal's urban study concept plan, both exceed the recommended number of dwellings for the one (1) exit road as set out by the Cova (2005) criteria. It is also noted that depending on the final design submitted at DA stage, dwelling numbers may be higher than indicated in the planning proposal concept plan.

The assessment also suggests evacuations under the increased numbers could take 30 minutes which is at capacity for Stanhope Road, and this assumes the ability of a vulnerable community to evacuate in an orderly and timely fashion is the same as the surrounding community, which is unlikely to be the case.

The amendments sought by the Planning Proposal would result in an increase to the number of dwellings by about one third within the Lourdes Retirement Village. The substantial intensification of a use being a special fire protection purpose under the Rural Fires Act within an area that already exceeds the recommended number dwellings for the one exit road is of concern, as increasing the number of residents will only make evacuation more difficult in the event of a bushfire.

It is also of concern that the additional increase in dwellings will be occupied by residents who are highly vulnerable to the effects of bushfire, are difficult to evacuate and are more susceptible to smoke impacts, resulting in additional and high demand on emergency services, particularly if evacuation is required.

Since emergency evacuation is an issue, any future planning proposal transport assessment should also consider

- the capacity and time for evacuation, as provided in Council's Bushfire Evacuation Risk Methodology and Assessment for 95-97 Stanhope Rd, Killara, and
- the traffic flow impacts of all proposed access points/driveways.

The planning proposal is not supported in its current form as the implications of the proposal are not thoroughly addressed. Any future proposal must address the issues raised in these comments.

Joseph Piccoli

Strategic Traffic Engineer

Ku-ring-gai Council