



3 August 2026

Department of Planning, Housing and Infrastructure

Attn: Aaron Hogan

Via the NSW Planning Portal

Dear Mr. Hogan,

RE: SUBMISSION OBJECTING TO STATE SIGNIFICANT DEVELOPMENT APPLICATION NO. SSD-88004956 – LOURDES RETIREMENT VILLAGE, 95-97 STANHOPE ROAD, KILLARA

Creative Planning Solutions (CPS) has been engaged by the landowner of 82 Stanhope Road, Killara, to prepare this submission and formally object to State Significant Development Application No. SSD-88004956 (SSDA) lodged by Levande Pty Ltd.

The application proposes the staged multi-year redevelopment of the Lourdes Retirement Village at 95-97 Stanhope Road, Killara, for seniors housing. While the provision of residential care facilities and seniors housing is a valid community consideration, the scale and intensity of the current proposal which includes the construction of 9 new buildings ranging from 2 to 5 storeys with heights reaching up to 18.4 metres to provide 145 independent living units (ILUs) and community spaces raises significant planning and amenity concerns for our client.

After a review of the Environmental Impact Statement (EIS) and accompanying documentation, CPS formally objects to the proposal on behalf of the landowner at 82 Stanhope Road, based on the following grounds:

- **Non-Compliance with Building Height and Scale Controls**

The maximum permissible building height for the site is prescribed by Section 84(2)(c)(ii) of State Environmental Planning Policy (Housing) 2021 (Housing SEPP) at 9.5 metres for habitable structures and up to 11.5 metres including roof plant and servicing equipment. However, the proposal involves multiple new buildings ranging from 2 to 5 storeys that reach up to 18.4 metres. These structures substantially exceed the 9.5-metre and 11.5-metre statutory limits, creating excessive bulk and scale that is incompatible with the established local character.

Creative Planning Solutions Pty Limited

Level 3, 397 Riley Street, Surry Hills NSW 2010 | Unit 3.01, 8 Rodborough Road, Frenchs Forest NSW 2086

PO Box 1074 Broadway NSW 2007

+61 2 8039 7461 | info@cpsplanning.com.au | www.cpsplanning.com.au

Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

- **Floor Space Ratio (FSR) Overdevelopment**

The maximum permissible Floor Space Ratio (FSR) for the site is prescribed by Section 108(2)(c) of the Housing SEPP at 0.5:1. While the applicant asserts the development achieves a total FSR of 0.48:1 (and 0.5:1 on the proposed retirement village lot), the concentration of floor space into buildings up to 18.4 metres in height that exceed statutory height controls represents an overdevelopment of the site. This built form is incompatible with the site's environmental constraints and steep topography.

- **Failure to Satisfy Mandatory Transport and Accessibility Controls (Section 93 Housing SEPP)**

The EIS fails to demonstrate compliance with Section 93 of the Housing SEPP. In Table 11 (page 68), the applicant erroneously asserts that Killara is not located within the Eastern Harbour City and that Section 93(2)(b) does not apply. The Ku-ring-gai Local Government Area (LGA) is located within the Eastern Harbour City under the New South Wales (NSW) planning framework. Consequently, the applicant assessed the site against the lower regional standard [Section 93(2)(c)] rather than the mandatory Metropolitan standard. Under Section 93(2)(b)(ii), seniors housing in the Eastern Harbour City requires a transport service operating both mornings (8am–12pm) and afternoons (12pm–6pm) every day. The applicant's Transport Impact Assessment (TIA) confirms Route 556 only enters the site between 9:30am and 1:30pm. Furthermore, the EIS fails to demonstrate that an accessible pedestrian pathway meeting Australian Standard AS 1428.1 (AS 1428.1) gradients (1:14) connects the site to off-site bus stops across the steep local terrain. As adequate transport access cannot be lawfully demonstrated, consent cannot be granted.

- **Bushfire Risks and Site Constraints**

The subject site is situated on, and adjacent to, steep bushfire-prone land (Vegetation Category 1 and Buffer). Establishing an Asset Protection Zone (APZ) and a high-density population of vulnerable seniors in such a highly constrained, bushfire-prone location presents unacceptable safety risks.

- **Access and Traffic Safety Issues**

Stanhope Road is a limited access, dead-end street situated far from the urban centre. The significant increase in traffic generation from 145 new ILUs, staff, and service vehicles combined with a multi-year construction phase will impact local traffic safety and capacity on the surrounding road network.

- **Inconsistencies and Misleading Information in the EIS Regarding Demolition vs. Refurbishment**

Section 5.5.1 of the EIS (Table 11, page 66) explicitly claims that the development involves "the refurbishment of 3 existing buildings". However, this is directly contradicted by the Architectural Demolition Plans (Drawing DA002) and broader EIS documentation (including the Executive Summary, Section 1.2, Section 4.1, and Section 4.4.1), which identify only two existing structures for retention and refurbishment—namely, the local heritage item 'Headfort House' and the RCF. The EIS fails to identify this third "refurbished" building or reconcile this statement with the site-wide demolition proposed for all 172 existing ILU dwellings. This discrepancy demonstrates inconsistent reporting within the applicant's environmental assessment, rendering the documentation unreliable for statutory assessment.

- **Fatal Contradictions in Ecological and Bushfire Assessments (Sham Avoidance & Under-Reported Clearing)**

There is an unresolved contradiction between the applicant's Bushfire Assessment, Arboricultural Impact Assessment (AIA), and Biodiversity Development Assessment Report (BDAR), which affects the accuracy of the environmental impact assessment.

- **Failure of the Statutory "Avoidance" Test**

The NSW Land and Environment Court has established (e.g., in *Sandy Outlook Pty Ltd v. Ku-ring-gai Council* [2021] NSWLEC 1519) that a BDAR must demonstrate how biodiversity impacts have been avoided. Section 5.1 of the applicant's BDAR asserts the footprint was "retreated" to the south and east to allow for the "retention" of Sydney Turpentine Ironbark Forest and high-condition vegetation corridors. The BDAR claims this retention was "coordinated with input from the project Bushfire Consultant". However, the Bushfire Assessment mandates an APZ managed as an Inner Protection Area (IPA) spanning a minimum of 56 metres along these exact southern and eastern boundaries. An IPA requires tree canopy cover to be reduced to less than 15%, with individual canopies separated by 2 to 5 metres. It is contradictory to claim high-quality vegetation is being "avoided" and "retained" while simultaneously reducing canopy cover to below 15% for bushfire compliance.

- **AIA Misrepresentations**

The AIA attributes only 16 tree removals directly to "Bushfire" impacts and claims 262 trees will be retained site-wide, failing to fully account for the canopy thinning required across the 56-metre IPA.

- **Invalid Statutory Assessment Pathway**

Crucially, the BDAR relies on the "Streamlined Assessment: Small Area" module, a statutory pathway that is only permissible because the applicant claims native vegetation clearing is limited to 0.72 hectares (below the 1-hectare threshold). Given the total site area is 5.29 hectares (with 4.53 hectares on Lot 2), applying a 56-metre-deep IPA across the southern and eastern boundaries indicates that the area of modified native vegetation will exceed 1 hectare. Consequently, the applicant has failed to demonstrate genuine avoidance, the application under-reports the extent of ecological modification, and the BDAR's "Small Area" methodology is invalid.

- **Failure to Adequately Notify Residents**

The DPHI notification, dated 14 July, was not received by the local community until a week later. This delay left local residents with a reduced timeframe to review the extensive SSDA documentation and prepare submissions before the 3 August deadline.

- **Unaddressed Planning History and Previous Refusals**

There have been multiple development applications and planning proposals for this site over the past 15 years by both the current applicant (Levande) and the prior owner (Stockland). Notably, previous planning proposals were refused by the Sydney North Planning Panel and Ku-ring-gai Council due to

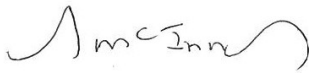
environmental, bushfire, traffic, and scale constraints. The current application fails to resolve the fundamental site constraints that resulted in those previous refusals.

Conclusion

Based on the grounds outlined above, the development in its current form represents an overdevelopment of a highly constrained site. It will result in unacceptable impacts on the surrounding built and natural environment, as well as the amenity of our client's property. The current proposal cannot be supported in its present form, and we respectfully request that the Minister for Planning and Public Spaces (or their delegate) refuse this application.

On behalf of our client, we declare that no reportable political donations have been made in the previous two years. We also acknowledge and accept the Department's disclaimer and declaration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'McInnes', with a stylized flourish at the end.

Scott McInnes

Principal Planner - Creative Planning Solutions Pty Limited