



SSD Scoping Report

Seniors Housing
Lourdes | 95-97 Stanhope Road, Killara

Prepared for Levande Pty Ltd

Beam Planning acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we work with.

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Contents

- 1.0 Introduction4**
 - 1.1 The Applicant 4
 - 1.2 The Site 4
 - 1.3 Background to the Project 6
- 2.0 Strategic Context8**
- 3.0 The Proposal9**
 - 3.1 Overview of the Project 9
 - 3.2 Consideration of Alternatives 11
- 4.0 Statutory Context12**
- 5.0 Community Engagement.....14**
- 6.0 Proposed Assessment of Impacts15**
 - 6.1 Clause 4.6 Variation: Building Height..... 17

1.0 Introduction

This Scoping Report has been prepared by Beam Planning on behalf of Levande Pty Ltd (the Applicant) to seek the issue of Industry Specific Secretary's Environmental Assessment Requirements (SEARs) for a Detailed State Significant Development Application (SSDA) for a senior's housing development, comprising refurbishment works to a residential care facility, redeveloped independent living units and community amenities and facilities at 95-97 Stanhope Road, Killara which is commonly known as 'Lourdes' (the site).

The proposed development comprises seniors housing and is declared SSDA under Schedule 1, Section 28 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) as it is located on land within the Greater Sydney region, has a total estimated development cost of more than \$30 million and includes a residential care facility. The proposed development does not comprise any other components that are prohibited on the land under another environmental planning instrument.

This Scoping Report has been prepared generally in accordance with the *State Significant Development Guidelines* adopted by the Department of Planning, Housing and Infrastructure (DPHI) in March 2024 and provides an overview of the project, sets out the statutory context and identifies the key likely environmental and planning issues that will be considered as part of this detailed SSDA.

1.1 The Applicant

Owner	Levande Pty Ltd
ABN	80 087 648 691
Address	Level 18, 9 Castlereagh Street, Sydney NSW 2000

1.2 The Site

The site address is 95-97 Stanhope Road, Killara and is legally described as Lot 21-22 in DP634645. The site is situated within the Ku-ring-gai Local Government Area, approximately 1.3km from Killara and 1.8km from Lindfield stations and town centres. An aerial photo of the site is provided at **Figure 1**.

The site has a total area of approximately 5.25 hectares and has a substantial street frontage of approximately 380m along Stanhope Road. The area to the north and west is characterised by low-density residential dwellings, whilst the southern and eastern boundaries is bound by an environmental conservation area.

Currently, the site comprises the existing 173 unit Lourdes Retirement Village including 108 independent living units, 65 serviced retirement apartments, and an 83 residential aged care facility (known as the Killara Glades Care Community operated by Opal), administrative buildings and additional resident community facilities. The buildings vary in scale from one to three storeys with pitched rooves (see **Figures 2-4**). The site includes a locally listed heritage item, Headfort House and interfaces with the Crown Blocks Heritage Conservation Area.

The site has a main vehicular access point via Stanhope Road, which connects to the internal road network of the Lourdes Village. Additional vehicular access points are located on both the eastern and western boundaries of the site to accommodate resident, visitor and emergency services access. The site is serviced by a local bus route (556) which runs through the site and provides public transportation to Lindfield and its associated local amenities and services.



 THE SITE

NOT TO SCALE 

Figure 1 Aerial view of the site (outlined in red)



Figure 2 View of the site from the eastern entry from Stanhope Road



Figure 3 View within the site on First Ave looking west to the RACF



Figure 4 View within the site from Third Avenue looking north at the ILUs

1.3 Background to the Project

The site has a recent planning history, including various Planning Proposal applications. A summary of each Planning Proposal, outlining its intent and outcome, is provided below to give context to the site's history. The outcomes of the unsuccessful Planning Proposals has ultimately been used to inform the subject SSD proposal.

1.3.1 Planning Proposal (PP-2020-687)

On 6 March 2018, PP-2020-687 was lodged with Ku-ring-gai Council and the following was proposed:

- Rezone the site from R2 Low Density Residential to R3 Medium Density Residential;
- Increase the maximum FSR from 0.3:1 to 0.8:1; and
- Increase the maximum height on a portion of the site from 9.5m to various heights between 11.5m and 24m.

In May 2018, Ku-ring-gai Council resolved not to support the proposal for reasons including bushfire risk, limitations of transportation and neighbouring impacts. Subsequently, the Applicant lodged a rezoning review and in November 2018, the Sydney North Planning Panel (**the Panel**) determined that the Planning Proposal be submitted to the Department for Gateway determination subject to a number of matters being addressed through the gateway determination.

The proponent sought to address the matters raised by the Panel and consulted with the RFS, resulting in the withdrawal of PP-2020-687, and the resubmission of an updated planning proposal in June 2021 to address the relevant requirements for gateway determination.

1.3.2 Planning Proposal (PP-2021-4968)

On 18 June 2021, PP-2021-4968 was lodged, addressing the Panel's conditions stipulated in their recommendation for Gateway determination under PP-2020-687. The revised Planning Proposal comprised:

- Rezone the site from R2 Low Density Residential to R3 Medium Density Residential;
- Amend the maximum building heights from 9.5m to a varying height of 9.5m, 11.5m, 14.5m, 16m, 20.5m and 22m;
- Amend the maximum FSR from 0.3:1 to 0.75:1.

The Panel as the Planning Proposal Authority (PPA) determined that the planning proposal should continue to the gateway assessment stage subject to revisions of driveway access arrangements and further reductions to the heights of certain buildings.

Extensive consultation between the Department, the Applicant and the NSW RFS was undertaken, whereby, the RFS did not object to the planning proposal, while the Department requested a consolidated revised planning proposal to be resubmitted addressing some additional information request relating to bushfire protection. As such, the planning proposal was withdrawn and resubmitted with the additional information requested as discussed below at **Section 1.3.3**.

1.3.3 Planning Proposal (PP-2022-658)

The updated Planning Proposal (PP-2022-658) was relodged on 3 August 2022, and then publicly exhibited in August-September 2022. During this period, the NSW Environmental Heritage Group (EHG) objected to the proposal for reason relating to biodiversity and ecological impacts. Objections to the Planning Proposal were addressed during Response to Submissions (RTS), including the revision of the Ecological Assessment in response to EHG's concerns.

On 15 December 2023, the Sydney North Planning Panel held a public meeting to consider the Planning Proposal following its public exhibition and on 20 December 2023, the Panel determined that the Planning Proposal should not proceed, predominantly due to ongoing concerns of bushfire hazards and management and the proposed distribution of development density. Although the Panel requested the Department to not proceed with this Planning Proposal, the Panel acknowledged that the site was in need of redevelopment, hence, the proposed development, which has been designed accordingly to respond to the site constraints and issues.

Figure 5 below illustrates the masterplan proposed under PP-2022-658.



Figure 5 Masterplan proposed under PP-2022-658

Source: Plus Architecture

2.0 Strategic Context

This section identifies the key strategic issues that are likely to be relevant to the justification and evaluation of the project and will be investigated in more detail in the EIS.

Table 1 Consistency of the Project with Relevant Strategic Plans

Matter	Comment
NSW Housing Strategy – Housing 2041	The project aligns with the NSW Housing Strategy, which advocates for increased housing diversity. Seniors housing, including residential aged care facilities, is a key housing typology that is identified in the strategic framework to support the ageing population and their needs. Benefits of seniors housing promoted through the project include: • New and updated housing that is easily adaptable and changeable for various needs, particularly for older people. • Delivering housing that responds to its environment and integrates with green infrastructure and protects against natural hazards. • High-quality and well-maintained housing. • Housing that is designed to address environmental disasters, including bushfires, and is shaped to make a resilient community and place.
Greater Sydney Region Plan – A Metropolis of Three Cities and North District Plan	The project broadly aligns with the Greater Sydney Region Plan and the North District Plan. Both plans outline the 40-year and 20-year vision respectively, focusing on integrated land use and transport and infrastructure planning. Ku-ring-gai is an LGA identified with the largest projected increase in the age categories between 65-84 and as a response to this, the proposal supports its key objectives and priorities, including: • Infrastructure aligning with forecast growth and adapts to meet future needs. • Providing services and social infrastructure to meet people's changing needs • Providing housing supply, choice and affordability with access to jobs, services and public transport • Protecting and enhancing bushland and biodiversity • Delivering high quality open space
Ku-ring-gai Local Strategic Planning Statement	The proposal supports the Ku-ring-gai Council's Local Strategic Planning Statement, which provides a 20-year vision for the LGA, aiming to increase liveability and adapting to meet future needs of the community. The relevant targets of the statement include: • Well-connected centres and villages are revitalised with high quality urban spaces, community hubs and other social infrastructure so they are places where people choose to live, work, shop, meet and spend leisure time. • Increased housing is provided that is diverse, adaptable and affordable, catering for the needs of a growing and changing community. • Built and landscape heritage, including bushland reserves, parklands and recreation areas, are protected and conserved.
Ku-ring-gai Housing Strategy to 2036	The proposal aligns with the Ku-ring-gai Council's Local Housing Strategy which stresses the importance of providing housing for and increasing accessibility and liveability for Ku-ring-gai's ageing population. As such, the project contributes to the implementation of the strategy and meets the following targets: • Manage and monitor the supply of housing in the right locations and to ensure the delivery of housing is in coordination with provision of local and state infrastructure and services. • Encourage diversity and choice of housing, a mix of dwelling types and sizes and ensuring new homes are accessible and meet mobility needs. • Increasing liveability, sustainability and area character through high quality design and to facilitate high quality housing that is responsive to Ku-ring-gai's local character.
Our Ku-ring-gai 2032	Our Ku-ring-gai 2032 outlines Ku-ring-gai's short-term vision for the local community, envisioning Ku-ring-gai to be an inclusive and connected community that values the local environment and heritage and prioritises sustainability. The project closely aligns with this vision by addressing the key themes of housing choice and health and wellbeing.

3.0 The Proposal

3.1 Overview of the Project

The proposed development involves the staged redevelopment of the existing Lourdes Retirement Village, which will include seniors housing, residential aged care facilities and resident community facilities. Specifically, the proposed works will include:

- Partial and staged demolition of existing seniors housing and site preparation works, including removal of the ILUs and retirement serviced apartments within the highest bushfire risk areas to create an Asset Protection Zone (APZ) for the site.
- Torrens Subdivision of land to completely separate the existing partly subdivided residential aged care facility from the balance of the retirement living site.
- Alterations to the existing residential aged care facility, including:
 - demolition of the existing connection with the hostel building and associated internal and external alterations and additions;
 - ember protection upgrades to the facades of the building to comply with relevant Rural Fire Services (RFS) requirements;
 - demolition of the buildings connecting the residential aged care to the retirement serviced apartments, including new aged care façade and service and internal alterations;
 - new staff and visitor parking for the residential aged care;
 - relocation and upgraded water tanks and sprinkler system; and
 - provision of new services to support the subdivision.
- Construction of a new seniors housing development comprising:
 - 10 seniors housing blocks with a total of anticipated 145 independent living units (ILUs) varying between 2-4 storeys in height.
 - Provision of new community facilities to support a range of social and recreational uses.
- Conservation to the heritage listed building.
- Approximately 4-5 separate basements across the site, providing car parking and associated services.
- Associated landscaping and public domain works, including new roads and retention of trees with either identified biodiversity and/or character value and on grade car parking.
- Extension and augmentation of physical infrastructure and utilities as required.

The proposed built form and design is a direct result of an extensive planning and design process, undertaken in close consultation with key stakeholders, including the Department, Council and the RFS. In comparison to the original masterplan proposed under the planning proposal (as illustrated in **Figure 5** above), the current development incorporates several key amendments which improve the overall planning and design outcome, including (but not limited to):

- The removal of density and built form within the high risk bushfire areas and areas of high biodiversity value to establish a compliant APZ and deliver improved bushfire protection and biodiversity outcomes.
- A reduction in the overall scale of the proposed buildings, including an increased setback to the western boundary to safeguard the amenity of neighbouring residents . and a reduced scale of development adjacent to the heritage listed Headfort House.
- The retention of key trees within the site and high biodiversity areas, which were previously sought to be impacted or removed.
- The removal of the proposed new road along the western boundary from Stanhope Road.

Following the abovementioned changes, the proposed development will result in a far better planning and design outcome, which will be further assessed and evidenced in the detailed SSDA. Preliminary architectural concept plan prepared by Hill Thalís is provided at **Figure 6**. Full architectural drawings and a design report illustrating the proposed development will be included with the EIS as appendices.



Figure 6 The proposed development concept

3.2 Consideration of Alternatives

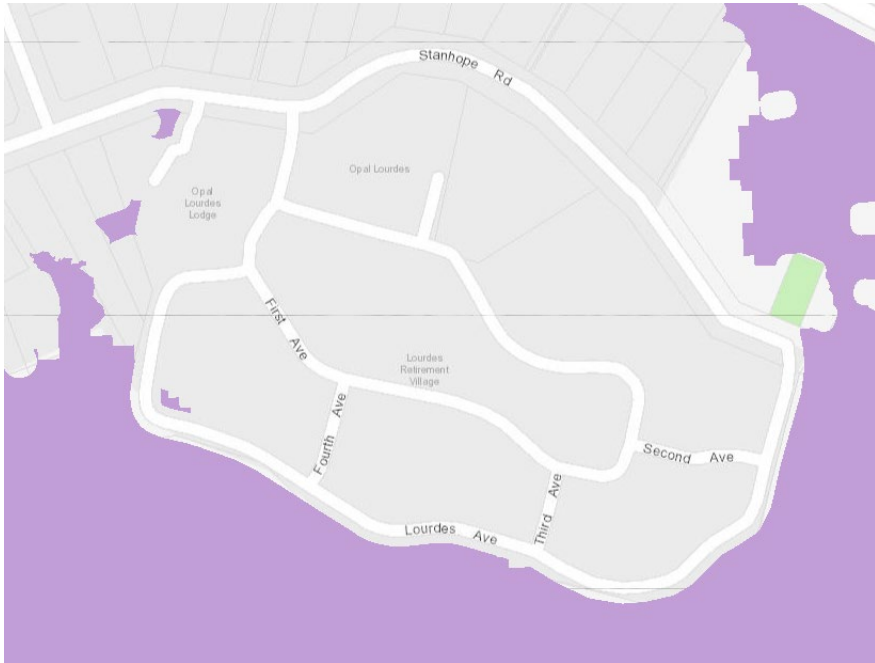
As part of the early investigations the proponent considered the following options:

- **‘Do nothing’:** The ‘do nothing’ alternative would result in the continued deterioration of the existing site, which given its 40+ year age, no longer meets the contemporary needs of seniors. The current accommodation is predominantly located within the BAL Flame Zone and BAL 40 zone and given extensive exposed timber, is not able to be upgraded to comply with BAL requirements. All accommodation is without lifts which cannot be retrofitted, units are not accessible and no direct lift access from basement carparking is available. Therefore, an upgrade of the existing site is necessary to provide safe high-quality housing and services that meets the needs of the current senior community.
- **Development of the site for different uses:** The site could be redeveloped for low density housing, however this would impact current residents and Levande remains firmly committed to delivering seniors housing and enhancing liveability for older residents, which is central to its mission. The Ku-ring-gai area is experiencing significant growth in its ageing population, making the provision of high-quality, purpose-built accommodation for seniors increasingly important. Council confirmed during post Planning Proposal discussions that there is a current under supply of seniors housing in the LGA with this forecast to be exacerbated over the coming years. The site currently accommodates an existing residential aged care facility, which will be retained as part of the proposal. Accordingly, the proposed redevelopment and the continuing land use will be beneficial to the local ageing community.
- **Alternative Design:** Several alternative design schemes have been considered in the past, including planning proposals with substantially increased building heights and greater overall density. These earlier proposals aimed to maximise development yield and potential, however, were not wholistically supported by key stakeholders due to key planning constraints surrounding bushfire concerns. The current proposal is compliant with the bushfire requirements, including overall reduced population, no housing within the APZ and improve road access and water supply to support fire fighting activities. It reflects a balanced and considered design response, which achieves an appropriate scale and density while addressing environmental risks and aligning with local planning objectives.
- **Proposed development:** The proposed development provides the best possible outcome for the site and will deliver an upgraded and vibrant seniors housing development that will encourage social engagement and foster a healthy community. The high-quality design of the development and the proposed improvements will create a vibrant, modern space and will increase and will increase safety by mitigating risks from natural hazards, such as bushfires. In addition, the key benefits of the proposed development include:
 - Alignment with local and regional housing strategies by delivering purpose built seniors housing within an area with an increasing aging population.
 - Enhanced bushfire resilience, by relocating and redesigning existing dwellings outside of hazardous areas and ensuring compliance and consistency with the Rural Fire Service recommendations and relevant guidelines.
 - Provision of modern, safe, compliant and accessible housing that are designed specifically for the elderly.
 - Supports social inclusion through the integration of purpose-built community facilities and amenities that will reduce isolation and promote social interaction and cohesion.
 - Improved connections to essential health and support services, promoting longer independent living and better health outcomes.
 - Long-term community benefit by retaining and enhancing the site’s role as a key seniors living facility in Sydney’s North Shore.

In summary, the proposed development the most appropriate and strategic outcome for the site, as it balances environmental sensitivity with community need, and directly responds to planning priorities across all levels of government. It will also revitalise and enhance an old and outdated site into a modern and contemporary facility that is much needed by the local community.

4.0 Statutory Context

This section provides an overview of the key statutory requirements for the project.

Matter	Comments
Power to Grant Consent	Under Schedule 1, Section 38 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP), development for the purposes of seniors housing is classified as state significant development where the following criteria is met: • The development is located on land within the Greater Sydney region and has an estimated development cost (EDC) of more than \$30 million. • The seniors housing component includes a residential care facility. • Other components of the development are not prohibited on the land under another EPI. The proposed development satisfies all of these criteria as it is located within Greater Sydney and has an estimated development cost of approximately \$250+ million, includes works to a residential care facility and is entirely permissible with consent. As such, the proposal is classified as State Significant Development. In accordance with Section 4.5(a) of the EP&A Act, the consent authority for this application will be the Minister for Planning and Public Spaces (or the Minister's delegate).
Permissibility	The proposal is located on land which is zoned R2 Low Density Residential under the <i>Ku-ring-gai Local Environmental Plan 2015</i> (Ku-ring-gai LEP 2015). Development for the purposes of seniors housing, including residential care facility and independent living units is permissible with consent in the zone under Chapter 3, Part 5 of the Housing SEPP. It is noted that Part 5 of the Seniors Housing SEPP does not apply to land described in Schedule 3 of the SEPP. The site does include three small areas of biodiversity value identified on the Map within the meaning of the Section 7.3 of the <i>Biodiversity Conservation Regulation 2017</i>. However, it is emphasised that this area will be retained, and no seniors housing is proposed on the land described in Schedule 3, and therefore the development is permissible on the land on which it is proposed.  Figure 6 Extract of the Biodiversity values map
Key Development Standards	Building Height The Ku-Ring-Gai LEP 2015 permits a maximum building height of 9.5m on the site. However, pursuant to Section 84 of the Housing SEPP, servicing equipment on the roof may exceed the maximum building height up to a maximum height of 11.5m. The servicing equipment must be fully integrated into the design and screened from public spaces, as well as be limited to an area of no more than 20% of the surface area of the roof.

Matter	Comments
	Furthermore, Section 84 also states that if the development results in a building with more than 2 storeys, the additional storey must be setback at 45-degree angle inwards from all side and rear boundaries of the site. It is intended to lodge a clause 4.6 with the proposal to support a variation to the building height development standard. See further discussion under Section 6.1. Floor Space Ratio The site has a maximum floor space ratio of 0.3:1 under the Ku-ring-gai LEP 2015. However, pursuant to clauses 107 and 108 of the Housing SEPP, the RACF component of the site and ILU component of the site have non-discretionary development standards of 1:1 and 0.5:1 respectively. The proposed development results in an FSR of approximately 0.4:1 and therefore, is compliant with the relevant development standards.
Other Approvals	• <i>Biodiversity Conservation Act 2016</i>: A Biodiversity Development Assessment Report (BDAR) Waiver will be requested as part of the SSDA. • <i>National Parks and Wildlife Act 1974</i>: An Aboriginal Cultural Heritage Assessment Due Diligence Report will be prepared as part of the SSDA if required by the SEARs. • <i>Rural Fires Act 1997</i>: A consent under section 100B of the Rural Fires Act 1997 will be required. • <i>Roads Act 1993</i>: A consent under section 138 of the Roads Act 1993 will likely be required.
Pre-conditions to exercising the power to grant consent	• <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
Mandatory matters for consideration	• <i>Environmental Planning and Assessment Act</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conversation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Ku-ring-gai Local Environmental Plan 2015</i>

5.0 Community Engagement

Engagement with the relevant government agencies, including Ku-ring-gai Council and Rural Fire Service, and key surrounding landowners has commenced and will continue to be undertaken in accordance with the requirements of the SEARs.

The Applicant met with Council on 1 May 2025, whereby the following aspects of the proposal were considered improvements to the previous masterplan designs and supported by Council:

- Reduced population and density;
- Compliance with the maximum FSR development standard of 0.5:1 as permitted by the Housing SEPP;
- Demolition of existing structures (129 units) along the southern and eastern boundaries, no new buildings to be constructed within the managed APX;
- Reduction in building height and greater setbacks to property boundaries for new buildings (Blocks I and J) to minimise impacts on adjoining properties and the heritage item;
- Location of proposed building footprints is acceptable with retention of trees with higher landscape value;
- Increase vegetation buffer along the southern and eastern portions of the site;
- Deletion of proposed new road connecting to Stanhope Road along the western boundary;
- Accessible pathways throughout the site improving connectivity between buildings, communal facilities and Stanhope Road; and
- The retention of the existing perimeter road and repurpose as a walking route is a positive landscape outcome.

Council also provided some comments for relating to the building height, heritage, landscaping, environmental impacts, traffic impacts, waste management, and impacts on surrounding infrastructure, which will be considered as part of the detailed DA.

The applicant will also be undertaking future engagement to inform the EIS in accordance with the SEARs and DPE *Undertaking Engagement Guidelines for State Significant Projects (2021)*. Consultation is anticipated with the following government and industry stakeholders:

- Department of Planning, Housing and Infrastructure;
- Transport for NSW;
- Department of Climate Change, Energy, the Environment and Water;
- Rural Fire Services
- NSW Government Architect's Office;
- Ku-ring-gai Council;
- Environment, Energy and Science Group; and
- Relevant Service Providers – Ausgrid, Jemena, Sydney Water.

6.0 Proposed Assessment of Impacts

This section identifies the matters requiring further assessment in the EIS and the proposed approach to assessing each of these matters.

Table 2 Key Assessment Matters

Assessment Matter	Proposed Approach
Bushfire	Part of the site is identified as ‘vegetation buffer’ on the bushfire prone land map and therefore, the proposed development has been designed in accordance with relevant standards and guidelines to appropriately address bushfire risk. Specifically, the proposed development will comply with the requirements for <i>Planning for Bushfire Protection 2019</i> (NSW RFS), particularly Chapter 6 ‘Special Fire Protection Purpose Developments’, including the following key measures: • A reduction in overall population and a staged retreat of all development located within BAL 40 and Flame Zone areas; • Installation of a new hydrant system in accordance with AS2419.1; • Preparation and implementation of a comprehensive Bushfire Emergency Management Plan, which will be submitted with the EIS; and • All new building works to comply with the applicable Bushfire Attack Level under AS3959 – 2018. Consultation has been undertaken with the NSW Rural Fire Service, who have verbally indicated support for the proposed approach. A Bushfire Assessment Report will be prepared to accompany the EIS to provide a detailed assessment of the proposed design in response to bushfire hazards and to ensure mitigation measures are incorporated and align with relevant legislation and regulations.
Built Form & Urban Design	The proposal will be accompanied by an architecture and urban design report that supports the proposed built form and urban design outcomes, including but not limited to the strategies to address concerns of environmental risks, such as bushfires, and the interaction of the site with adjacent properties. The report, along with the EIS, will assess the impacts of the proposed form and urban structures proposed.
Building Height	The preliminary proposal comprises a number of buildings of varying heights, with a maximum building height of approximately 17m in some locations (subject to detailed design). This exceeds the current maximum permissible height limits of 9.5m and 11.5m for building services. Notwithstanding this variation, the proposal has been carefully designed to distribute building height and density across the site to minimise the impacts on surrounding development, while still providing an appropriate scale and supply of retirement housing to meet the needs of the aging local population. The taller three-four storey buildings are centrally located within the site, away from the street frontage and neighbouring properties, and therefore, will minimise visibility and visual impact both from within and outside the site. Given the minor non-compliance, the SSD will be accompanied by a Clause 4.6 Variation to vary the existing height limit. Details and preliminary justification that will be provided within this Clause 4.6 are further detailed in Section 6.1.
Landscape and Public Domain	The EIS will be accompanied by a Landscape and Public Domain Plan and a Design Report to assess and demonstrate how the proposal will deliver high-quality open spaces, streetscapes and public areas. The plan will identify design principles and landscaping treatments and will address how the proposal will enhance the local character and amenities.
Traffic and Parking	A Traffic, Transport and Accessibility Impact Assessment will accompany the EIS, providing commentary on the impact of vehicular traffic on the site surrounds and an assessment of the traffic and parking impacts of the residential development, as well as emergency egress and a construction traffic management plan.
Residential Amenity	The residential amenity of the seniors housing will be assessed to confirm a high level of amenity is achieved. Guiding this assessment will be the design principles for seniors housing development under Schedule 8 of the Housing SEPP and the Seniors Housing Design Guide (SHDG).
Biodiversity	As previously stated, a small portion of the site along the southern boundary is mapped as containing biodiversity value. However, the proposed development does not involve any works in or around this area,

Assessment Matter	Proposed Approach
	and therefore, it will be retained in its current form. As such, a Biodiversity Development Assessment Report (BDAR) is not considered necessary for this project and a waiver will be requested from the Department.
Contamination	A Preliminary Site Investigation has been undertaken on the site, which has confirmed that the presence of contaminations on site is unlikely, however, it is recommended that further investigation is undertaken following demolition of the buildings to confirm the presence of contamination beneath the building location. The findings and assessment of this contamination report will be further detailed within the SSDA to determine the site suitability.
Ecologically Sustainable Development (ESD)	An ESD Report will accompany the EIS to outline the proposal's relevant sustainability principles and targets. The report will also provide a strategy for the proposal to achieve these targets and achieve a high level of ESD throughout the development.
Heritage	The site contains a locally listed heritage item, Headfort House, and interfaces with the Crown Blocks Heritage Conservation Area. A Heritage Impact Statement will be submitted with the EIS to demonstrate the impact of the proposal on the significance of these items.
Other	The following impacts are matters that will also be addressed as part of the EIS: • Arboricultural Impacts • Stormwater • Building Code of Australia (BCA) and Fire Safety • Accessibility • Geotechnical • Construction Impacts • Waste Management • Visual / Landscape Impact • Noise • Social Impact

6.1 Clause 4.6 Variation: Building Height

The proposed development will seek to vary the existing height limit of 9.5m under Clause 4.3 of the Ku-ring-gai LEP and 11.5m for building services under Section 84 of the Housing SEPP. As such, the development application will be accompanied by a Clause 4.6 Variation request, which will demonstrate that:

- Compliance with the development standard is unreasonable and unnecessary in the circumstances, and
- There are sufficient environmental planning grounds to justify the contravention of the development standard.

Table 3 below provides a high-level summary of the key matters that will be further discussed within the Clause 4.6 Variation Request.

Table 3 High level summary of Clause 4.6 Variation Request

Matter	Comment
What is the variation?	The proposed development involves the redevelopment of an existing seniors housing development in Killara, which currently comprises a number of ILUs within the Bushfire Attack Level (BAL) 40 area. Rather than redeveloping the ILUs or another use within the high risk BAL 40 area, the proposal seeks to demolish the existing dwellings to establish a large APZ, and then relocate the units (and reduce the number) in the centre of the site across a series of four storey buildings, which equates to 1 storey (~3.2m above the height limit). Due to the steep topography of the site in certain locations, the buildings within the centre of the site may in certain contained locations reach up to a maximum building height of up to approximately 17m (subject to detailed design), resulting in: • A 7.5m variation (78.95%) to the mapped maximum building height of 9.5m under Clause 4.3 of the Ku-ring-gai LEP 2015, and • A 5.5m variation (47.83) to the 11.5m height control under Section 84 of the Housing SEPP. Figure 7 below provides an excerpt of the section diagrams illustrating the extent and location of the height variation. While the numerical extent of the variation may appear significant, it is localised to a small portion of the site, which is within the centre of the site, below the street level and is well setback from all site boundaries. As such, the proposal, including the portion of the building that exceeds the height limit is not anticipated to result in any adverse visual, privacy or overshadowing impacts to the surrounding locality. Importantly, while the development seeks a variation to the height control, it remains well below the maximum FSR permissible on the site. This is a direct result of the design approach, which seeks to concentrate building mass and density within a smaller and hazard free area of the site. This is a direct response to the site's environmental and bushfire constraints and will result in a more efficient and safer development, delivering improved seniors housing outcomes for residents, particularly in comparison to the aging ILU's currently on site within the bushfire prone land. Furthermore, the non-compliant portion of the building is limited to the upper levels, which are significantly setback from the lower levels. This design approach will assist in reducing the perceived bulk and scale and create a human like built form consistent with the character of the area, noting there are already 3-4 storey forms on the site. It will also assist in achieving an appropriate transition in height and massing from both the existing development and the surrounding low-density residential and bushland context.

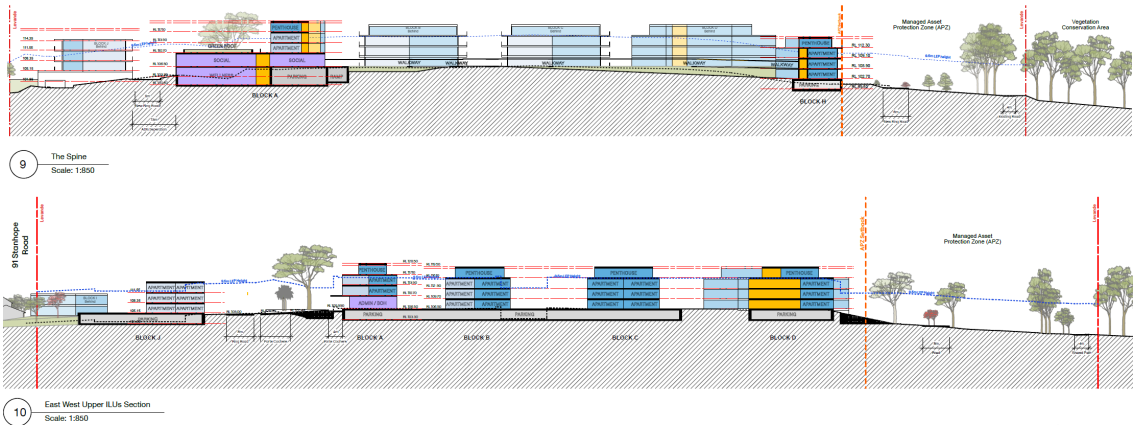
Matter	Comment
	 Figure 7 Height compliance diagram section Source: Hill Thalix
Why is the compliance with the building height development standard unreasonable and unnecessary in the circumstances of the case?	Clause 4.3 of the Ku-ring-gai LEP 2015 sets out the following objectives for the height of building development standard: (a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres, (b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity, (c) to enable development with a built form that is compatible with the size of the land to be developed. The site is not located within a centre, and therefore, the first two objectives are not directly relevant to the proposal. However, it is noted that the proposed development, through its careful design achieves an appropriate transition in scale from the built form to the surrounding low-density residential development and open space zones, which will protect local amenity and therefore, is consistent with the underlying intent of the objectives. The proposal achieves objective (c) of the height of buildings standard as it has been carefully designed to be compatible with the size and context of the land. The subject site comprises approximately 5 hectares, and therefore, building height and scale can be appropriately distributed across the site in a manner that responds directly to the environmental planning constraints and the potential impacts on the surrounding development. The built form places the taller buildings within a smaller, central portion of the site that is both free from bushfire hazard, and also situated at a topographical low point where it is not visible from the street and public domain. This design approach delivers a proposal that is compatible with the size and shape of the land and provides a clear transition in scale to the lower density areas surrounding the site. As such, the proposed development still meets the objectives of Clause 4.3, despite proposing a variation to the building height.
What are the sufficient environmental planning grounds to justify contravention of the development standard?	The proposed variation to the height of building development standard is justified through strong environmental planning grounds, including: The proposed variation is a direct response to the unique constraints of the site, which currently contains existing dwellings within the BAL 40 Flame Zone. The proposal seeks to relocate these dwellings away from high bushfire risk areas to a safer location within the centre of the site. Doing this enables the establishment of a substantial APZ and results in a far better housing outcome for the increasing local aging population when compared to the current condition. Figure 8 below maps the bushfire constraints over the site showing the existing buildings in the BAL 40 zone and the logic of relocating the massing to the centre of the site.



Figure 8 BAL across the site highlighting the existing development within the BAL 40 flame zone

Source: Hill Thalys

- The proposal also seeks to reduce the overall dwelling yield, whilst remaining compliant with the maximum FSR development standard, which highlights the well-considered design approach to prioritise safety and good design over maximising yield.
- The scale and location of the site on the low side of the ridge within a bushland setting, enables the height to be managed within the site to address the bushfire risk without any unreasonable visual or amenity impacts, and as such, the increased building height will not be visible from the streetscape or neighbouring properties. A Visual Impact Assessment will be prepared as part of the SSDA however it is anticipated that the buildings above the height limit within the centre of the site will sit below the canopy of the trees and not be visible from external locations.
- The more significant height exceedances are a direct result of the site's steep slope, and therefore, responds directly to the natural ground levels and adopts a stepped design that assists in reducing the perceived bulk and scale.
- The proposal utilises the topography to locate parking at the semi subterranean levels instead of residential uses, instead pushing them above the height limit. This maximises the amenity of the dwellings on the site by providing them with better solar access, cross ventilation and general outlook.
- The proposed buildings surrounding the heritage listed Headfort House are intentionally setback, as illustrated in **Figure 9**. This design strategy has been purposefully adopted to minimise potential heritage impacts and to support the ongoing protection and conservation of the site's heritage significance and value.

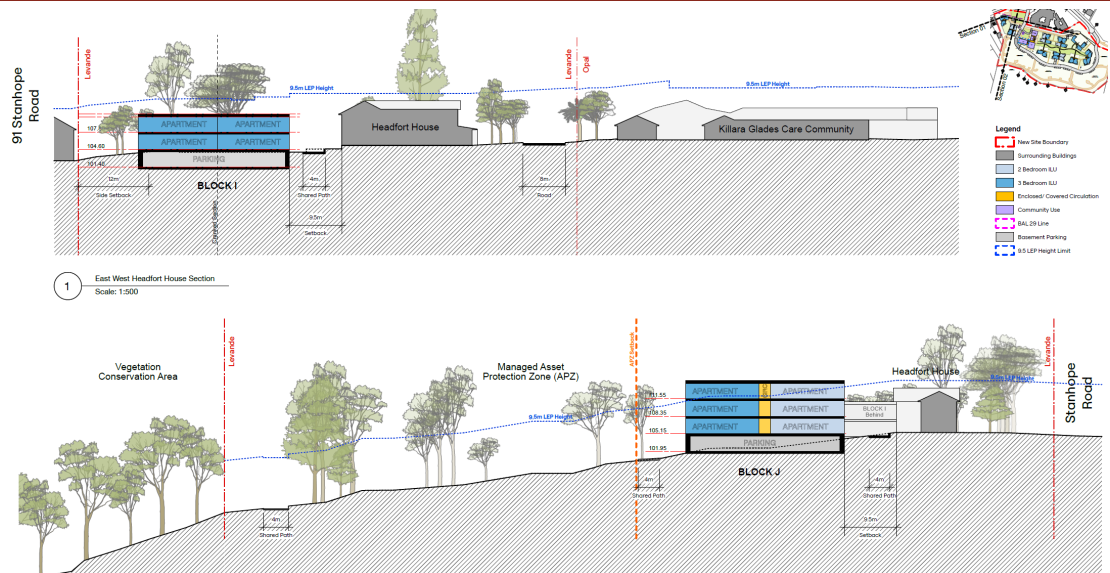


Figure 9 Height compliance diagram section of Block I and J adjacent to the heritage listed item

Source: Hill Thalys