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2024 - Celebrating 30 years of Caring for Ku-ring-gai

FRIENDS OF KU-RING-GAI ENVIRONMENT INC.

Senior Planner Aaron Hogan
Department of Planning Housing and Infrastructure
Attention: Aaron Hogan
Submitted via NSW Major Projects Portal

3 August 2026

Dear Aaron

RE: SSD-88004956 Lourdes Retirement Village – Seniors Housing 95-97 Stanhope Road, Killara - (SSDA)

"*Land-use planning decisions have far reaching and long-lasting consequences as to how exposed and vulnerable the community will be to future natural hazards. Where land-use planning decisions do not effectively incorporate natural hazard risk, future impacts of natural disasters will be higher*".
NSW Department of Planning and Environment, *Planning for a more resilient NSW – A strategic guide to planning for natural hazards,* November 2021

Opening Statement

Thank you for the opportunity to provide a submission on the State Significant Development Application SSD- 8804956 Lourdes Retirement Village – Seniors Housing 95-97 Stanhope Road Killara.

We were not notified of the public exhibition of SSD-88004956 and were not consulted by Levande prior to the lodgement of the SSDA, despite being a previous objector to PP-2022- 685. We were kindly notified of the public exhibition last week by neighbours of Lourdes. We have had less than 10 days in which to research and prepare FOKE's submission and apologise for any unintended errors made or omissions in the report.

Friends of Ku-ring-gai Environment Inc (FOKE) since its establishment over 31 years ago, has been a strong advocate for the protection of Ku-ring-gai's neighbourhood character, environment, heritage and liveability.

In Ku-ring-gai we work with our local government council to ensure good, orderly strategic planning that is in keeping with our area and complies with the prescriptive planning standards.

We have previously submitted an objection to the earlier Planning Proposal PP-685 submitted by Levande in August 2022 which was refused by Ku-ring-gai Council and the Sydney North Planning Panel.

The site has a checkered history from the earlier owner Stockland and the current owner Levande with respect to lodging various planning proposals and development proposals which have not been supported or refused.

Ku-ring-gai is considered to be one of the highest bushfire prone areas of Sydney being surrounded by three National Parks – Lane Cove National Park, Garigal National Park and Ku-ring-gai Chase National Park.

Background – Levande

"Levande" is Swedish for "vivid" or "full of life", the connection is financial rather than operational. The company is owned by the Swedish global private equity firm EQT Infrastructure.

While its physical villages are local, Levande's corporate goals are judged on an international stage. Its emissions targets are rigorously benchmarked against the global Science Based Targets initiative (SBTi) building sector criteria.

In global comparisons of eldercare systems, international analysts classify Levande strictly as a *retirement living and independent lifestyle operator* rather than an institutional aged care or nursing home provider.

EQT utilises senior living benchmarks from its international portfolio—which includes major European and Trans-Tasman aged care and retirement brands like Metlifecare (New Zealand), Colisée (France/Europe), and Charleston—to structure Levande's operational standards.

As a global private equity firm, EQT's primary mandate is to make money for its investors, but its specific strategy relies on delivering genuine, high-quality care to protect that investment. EQT is an investment manager with billions in assets. They generate returns by buying companies, optimising them, and selling them or listing them on the stock market for a profit.

We understand that EQT does not intend to own Levande forever. In fact, they have recently prepared their New Zealand retirement arm, Metlifecare, for a dual-listing initial public offering (IPO) and have tested market interest for a $1 billion sale or float of Levande.

To make Levande attractive to future buyers or public shareholders, EQT must prove the business is highly profitable, has stable cash flow, and maintains high occupancy rates. Private equity firms like EQT operate on strict timelines, usually buying a company with the intent to exit within **5 to 7 years**.

Unlike smaller operators struggling with rising costs, EQT has the financial scale to invest heavily. They have backed Levande with a **A$1.5 billion sustainability loan** to upgrade facilities and build 1,300 new units. When Stockland sold the business to EQT in February 23, 2022, for $987 million, they explicitly defended the buyout by calling EQT a **"purpose-led organisation" with a strong global track record in healthcare**.

Ultimately, EQT is not a charity, and from the equity business model they are absolutely driven by profit. However, their investment model assumes that the most efficient way to make money in modern retirement living is to provide a premium, transparent, and care-integrated product that affluent retirees want to buy into. Killara is considered a very affluent suburb of Sydney.

Since Levande's purchase from Stockland the Lourdes Retirement Village site and community has been noticeably in decline. We understand that there are approximately 48 residents living on the site within the 102 independent living units. Therefore, many of the units are empty. There is a capacity for 83 residents in the independently managed Killara Glades Care Community aged care facility.

We believe the physical decline of Lourdes is not accidental; it is a side effect of a frozen, high-stakes development strategy. Levande inherited a 40-year-old village from Stockland and instead of progressively maintaining and upgrading the existing infrastructure to preserve the current community, Levande has treated the site as a massive, multi-million-dollar master-planned redevelopment project.

Because they want to demolish parts of the village to build higher-density residential blocks Levande has **withheld units at Lourdes from sale and occupation for approximately eight years**. Empty units have meant an ever-shrinking population, fewer neighbours, and a natural, corporate-driven depletion of the daily elderly social community.

Levande's drive to maximise the density—and therefore the profit margin—of the 5.25-hectare site has caused years of planning failure. The Sydney North Planning Panel and the NSW Department of Planning completely rejected Levande's major expansion plans in 2022/2023.

Independent panels and residents, neighbours and community groups including STEP Inc and Friends of Ku-ring-gai Environment (FOKE) fought the developer because Levande pushed for massive buildings right on the edge (flame zone) of the Garigal National Park, creating severe **unresolved bushfire and evacuation**

risks for the residents. Ku-ring-gai Council explicitly warned that the development was being over-scaled for profit while ignoring bushfire and evacuation safety and transport infrastructure.

Rather than focusing on repairing the current village, Levande's corporate strategy has been to "go back to the drawing board" with revised planning scopes now on public exhibition. The village remains in limbo because the developer is waiting for an approved blueprint profitable enough to satisfy their private equity owners, EQT.

The main criticism of the Levande (EQT) model is that **long-term community stability is secondary to financial timelines**.

- Because EQT plans to sell Levande, residents face the reality that their village owner will potentially change every few years. (The BEAM report seems to suggest that Levande will be ***'long term owners'*** but we understand that the EQT investment model is to turn over developments every 5-7 years.)
- A private equity owner will aggressively cut administrative waste and push for operational efficiencies. If those cuts are managed poorly, it can sometimes feel to residents and staff like corporate profits are being prioritised over the village community.

Ultimately, EQT views improving care as an **investment strategy**, not a moral crusade. They improve the product (the care and lifestyle) solely to ensure that the final sale yields the highest possible financial return.

Levande's corporate framework relies on a A$1.5 billion Sustainability-Linked Loan tied to science-backed emissions cuts. Yet, because they must force a high-density build right against an unmanageable high bushfire front, they are legally forced to abandon passive eco-design in the latest development proposals.

Proposing to construct 145 high density luxury apartments in a designated Flame Zone (BAL29-FZ) forces a reliance on high-embodied-carbon materials—like reinforced concrete, masonry, and high-grade, fire-rated fixed glazing — shattering their own corporate emissions-reduction objectives/metrics on site. The main hurdle for the 2026 project is that bushfire protection (BAL29-FZ zones) demands non-combustible materials like traditional masonry, dense specialised concrete, and heavy steel framing—all of which traditionally carry a massive carbon footprint.

EQT's corporate framework, investment strategy and science backed emission cuts is being abandoned with the lodgement of Levande's State Significant Development (SSD) proposal.

Beam describes the development as comprising:

• Staged demolition of the existing 172 seniors housing dwellings which is highly considered on existing residents and includes site preparation works, including removal of the ILUs and retirement serviced apartments within the highest bushfire risk areas;
• Significant bushfire safety measures including creation of an Asset Protection Zone (APZ) for the site, reduced dwellings to the existing retirement village, upgrades to infrastructure to support bushfire protection, improved construction materials and standards and evacuation planning to increase resident and visitor safety.
• Torrens subdivision of land to completely separate the existing partly subdivided RCF from the remainder of the retirement living site.
• Alterations to the existing RCF, 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 RCF to the retirement serviced apartments, including new aged care façade and service and internal alterations; – relocation and upgraded water tanks and sprinkler system; and – provision of new services infrastructure to support the subdivision.
• Construction of a new seniors housing development comprising: – 9 boutique seniors housing blocks with a total of 145 independent living units (ILUs) varying between 2-4 storeys in height. – Provision of a new community facility to support a range of social and recreational uses.
• High quality landscape works that appropriately respond to and embrace the bushland setting, enabling significant tree and biodiversity retention and avoiding impacts on remnant and contiguous bushland vegetation along the boundary adjoining Seven Little Australians Park.

• Adaptive re-use of the heritage listed Headfort house including conservation works, curtilage improvements and sympathetic surrounding built form to improve the streetscape and allow for improved appreciation of the heritage item.
• 2 consolidated 1-2 storey basements, providing car parking and associated services.
• Public domain works, including new roads and on-grade parking extensive landscaping within the APZ and throughout the site.
• Extension and augmentation of physical infrastructure and utilities as required.
A range of upgrades and alterations works are proposed to the existing Residential Care Facility(RCF) and specifically include the following:
• demolition of the existing connection with the hostel building and associated internal and external alterations and additions;
• 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;
• relocation and upgraded water tanks and sprinkler system; and
• provision of new services infrastructure to support the subdivision.

Ku-ring-gai Council Zoning and Standards for the site:

Zoning: R2 Low Density Residential
FSR: 0.31
Height of building: 9.5m
Minimum Lot size: 840sqm
Heritage Mapping: Part Heritage conservation Area C22
Biodiversity Mapping: Part area of biodiversity significance

Levande Zoning and Standards proposed for the SSDA:

Zoning: R2 Low Density Residential
FSR: Total FSR: 0.48:1 (including ILU's and RCF on total site area)
ILU FSR: 0.5:1 (based on Levande site only)
RCF FSR: 0.41:1 (based on RCF site only)
Height of Building: 8.31m (Building I) - 18.4m (Building A)
Lot Size: Lot 1 (RCF): 7,583m2
Lot 2 (Levande Lourdes): 45,315m2
GrossFloor Area: RCF: 3,132m2
ILU: 22,110.2m2 (including 1,959.2m2 of communal amenity space)
Headfort House: 355.9m2
TotalGFA: 25,598m2
Yield: • 145 x new ILUs
• Retention of 83 x RCF beds
Parking: 318 carparking spaces comprising 287 residential spaces, 25 visitor spaces and 6 staff and washing spaces.
Communal Open Space: 23,561.1m2 (52%)
Landscaped area: 24,917.4m2
Deep Soil: 24,142m2 (53%)
Heritage Mapping: Part Heritage Conservation Area Crown Blocks C22
Biodiversity Mapping: Part area of biodiversity significance

Cumulative Impact of other current SSDA's:

Listed below are 8 SSD developments in the vicinity and proximity to subject site being which could contribute to environmental impacts.

1. **SSD-85845958 24-34 Stanhope Road, 7-9 Werona Avenue and 4 Springdale Road, Killara:** The proposal is for the demolition of all existing structures and construction of four residential flat buildings with in-fill affordable housing and a seniors housing building for 438 apartments including 75 affordable and 17 in perpetuity dwellings. Prepare EIS. 1.0km west of the site
2. **SSD-81890707 10, 14 and 14a Stanhope Road, Killara:** The proposal is for the demolition of existing residential dwellings on the site and the construction of part 3 storey to part 10 storey

residential flat buildings with infill affordable housing and associated works being-135 apartments including 26 affordable. Assessment. 1.3km west of the site.

3. **SSD-78493518 2-8 Highgate Road, Lindfield:** The proposal is for the demolition of all existing structures and construction of a nine-story residential flat building with 84 dwellings including 20 infill affordable housing, 3 in perpetuity and associated works. Approved 2026. 1.2km southwest of the site.
4. **SSD-79261463 2-4 Woodside Avenue & Amp; 1-3 Reid Street, Lindfield:** The proposal is for the demolition of existing structures on the site and the construction of a nine-story residential flat building with 89 dwellings including 19 infill affordable housing and 4 in perpetuity and associated works. Assessment. 1.3km southwest of the site.
5. **SSD-82899468 1-5 Nelson Road Lindfield:** The proposal is for concept approval for the demolition of existing buildings and associated structures and the construction of a nine-story residential flat building with 167 apartments including 26 in-fill affordable housing above three levels of basement carparking. The proposal does not seek consent for physical works. Response to Submissions. 1.3km southwest of the site.
6. **SSD-85818457 10-14 Milray Street and 3 Havilah Road, Lindfield:** The proposal is for the demolition of existing buildings and associated structures and the construction of a residential flat building comprising of 200 apartments including 46 affordable and car parking. Prepare EIS. 1.4km southwest of the site.
7. **SSD-78669234 27-29 Tryon Road Lindfield:** The proposal is for the demolition of existing structures on the site and the construction of a nine-storey residential flat building with 76 dwellings including 12 infill affordable housing and 3 in perpetuity and associated works. Determination 2026. 1.5km south of the site.
8. **SSD-79276958 59-63 Trafalgar Avenue, 1A and 1B Valley Road Lindfield:** The proposal is for the demolition of existing buildings and associated structure and the construction of 9 storey residential flat buildings with 220 apartments including 46 affordable. Determination 2026. 1.6km south of the site.

1,274 additional dwellings are planned from the above 8 lodged Transport Oriented Development (TOD) proposals. The above list is not a comprehensive list of all the current SSDAs within 2 kms of Lourdes Retirement Village.

Lourdes Retirement Village and proposed SSDA

BEAM describes Lourdes Retirement Village as being in “generally poor and dilapidated condition” (in breach of the Retirement Villages Act? – *our emphasis*) which is why development consent is sought for the staged demolition of all buildings on the site, with the exception of the heritage listed Headfort House, and the majority of the Residential Care Facility (RCF).

The site currently comprises 172 aged dwellings, many of which are vacant or underutilised and require renewal due to neglect. We understand there are approximately only 48 units or less occupied of the 102 independent living units on site. The 65 serviced apartments are completely unoccupied. The site is effectively running on a skeleton crew of remaining long-term residents.

Killara Glades Care Community currently operates an 83-bed residential aged care facility at the site. Known locally as the Killara Glades Care Community (formerly Opal Lourdes), the nursing home is co-located on the same 5.25-hectare plot at 95- 97 Stanhope Road. However, it functions completely independently from the surrounding independent living village managed by Levande.

In 2023 Levande was forced to repair and restore the 65 serviced apartments because they had allegedly breached the Retirement Villages Act by shutting down the building without proper regulatory approval**.** While Levande wanted to leave the building closed and eventually demolish it as part of their major redevelopment, the legal intervention came from a tribunal rather than a standard council planning refusal.

The NSW Civil and Administrative Tribunal (NCAT) ruled against Levande after a legal challenge. Levande had entirely closed the building housing the serviced retirement apartments, letting it fall into disrepair while waiting for development approvals. The tribunal ruled this action violated the Retirement Villages Act, which

protects residents' rights to active services and maintained facilities. Because the 2022 $100 million demolition and expansion plans were simultaneously being blocked by the Ku-ring-gai Council and the Sydney North Planning Panel due to extreme bushfire evacuation risks next to Garigal National Park, Levande was legally stuck. Levande could not demolish the structure, and NCAT legally compelled them to perform the necessary upgrades and repairs to restore the building. The building since renovated has not been occupied by residents.

The site has been in a redevelopment standstill for several years. Levande and have now lodged a revised $247 million State Significant Development Application for 145 new Independent Living Units. This proposal attempts to secure demolition approval for the older 1-2 storey buildings by locating the 145 new units higher on the site and away from the direct flame zone and in creating an asset protection zone (APZ).

The 2023/2024 restored and unoccupied 65 serviced apartments at Lourdes are now slated for complete demolition along with the 102 independent living units and replacement with entirely new 2 and 3-bedroom high end luxury Independent Living Units (ILU) within 9 X 2-5 storey residential buildings.

Levande is currently effectively running on a skeleton staff crew and with the remaining approximately 48 long-term ILU residents.

The current occupied units at Levande Lourdes (formerly Stockland's Lourdes Retirement Village in Killara, NSW) feature a mix of **one and two-bedroom** configurations across its independent living units.

Whilst the current development proposal is described as representing a more appropriate planning outcome for the site than Levande's previous planning proposal in October 2022 in relocating dwellings to a higher portion of the site, the proposed development does not necessarily reduce the number of residents who will reside there and who may need to evacuate in the event of a major bushfire event or emergency. The current proposal is for **two** and **three-bedroom** apartments which will potentially allow for additional residents to reside on site than in the current 102 **one and two-bedroom configured** ILU units.

The State Significant Development application **SSD-88004956** represents a complete structural pivot by Levande following the total rejection of their previous $100-million master plan. The new plan specifically shifts away from townhouses to focus on **145 high-end, 2 and 3-bedroom luxury Independent Living Units (ILUs)** housed within 9 newly configured buildings ranging from 2 to 5 storeys.

There are a number of key issues with the development proposal including the staging and timing of renewal, access and servicing during operation, bushfire constraints and emergency access, built form and scale, visual impact from Stanhope Road, traffic and parking, tree retention and wildlife habitat and biodiversity, heritage value, and the interface with adjoining neighbours, which we believe have not been appropriately mitigated and managed to ensure a suitable and appropriate outcome for the site. Please refer to our specific objections below.

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 the area.

The proposed predominant **nine x 2-5 storey** building proposal **sets a future dangerous precedent for Ku-ring-gai Category 1 high bushfire prone sites.** This SSDA undermines and overturns the strategic planning principles that Ku-ring-gai Council has instilled across its legislation, policies, guideline and operations practices particularly for high bushfire prone areas along with appropriate bushfire protection measures.

We are concerned that the SSDA will likely result in the erosion of the multi-disciplinary approach taken by Ku-ring-gai Council to protect its elderly and frail citizens, particularly in the growing highly volatile climate change events including rain, heat and fire expected.

Ku-ring-gai Council has stated in past submissions in response to Levande's development proposals for Lourdes that it **"*does not want to be held in any way responsible in the event of a bushfire related incident or emergency and any resulting coronial inquest on this site from increased density and populations proposed on the site*."**

Even with the proposed Asset Protection Zone which is directly along the flame zone, there is no guarantee that the several hundred vulnerable elderly residents and staff on the site can be safely housed or evacuated in the event of a wildfire event.

FOKE strongly objects to the SSDA for the following reasons:

Clause 4.6 Variation

In a high-risk bushfire zone directly adjacent to Garigal National Park a Clause 4.6 height variation is fundamentally flawed. The reasons being:

1. Increased Building Height Directly Amplifies Bushfire Exposure

- The "Uphill Fire Run" Trap: Lourdes Retirement Village sits at the top of a ridge overlooking a heavily wooded valley. Bushfires traveling uphill accelerate rapidly and generate massive vertical flame fronts and convective heat columns.
- Increased Radiant Heat Profile: Pushing buildings up to 5 storeys vastly increases the vertical surface area of the building envelope. This forces the higher levels of the luxury apartments directly into the path of maximum uphill radiant heat and intense, high-velocity ember attacks rushing out of the canopy.
- The Upper-Level Trap: If a fire front hits the ridge, the uppermost floors will bear the brunt of toxic smoke plumes and heat. Evacuating frail, elderly residents downward through localised vertical stairwells during an active fire front is a recipe for disaster, especially if elevators automatically shut down due to emergency power cuts.

2. Multi-Storey Heights Force Flawed "Shelter-in-Place" Dependencies

- Inability to Actively Defend: Traditional low-density seniors housing allows for immediate ground-level egress. By introducing 4-5-storey residential flat blocks, Levande creates an architectural dependency on a "Shelter-in-Place" or "Stay and Defend" model.
- Systemic Failure Risks: The Clause 4.6 request relies on the premise that the height breach is "acceptable" because the buildings will be heavily engineered. However, you should argue that relying on complex, multi-storey mechanical systems to keep vulnerable seniors alive on upper floors is a fatal risk if any single component fails during a catastrophic event.

3. Failure to Prove "Sufficient Environmental Planning Grounds"

- Height Overrides local Landscape Context: To legally win a Clause 4.6 variation, the developer must prove the breach results in a *better* environmental outcome. In this case, the opposite is true.
- Canopy vs. Concrete Conflict: The increased height and density are what necessitate the radical stripping and permanent clearing of the site's rich urban forest buffer to satisfy the Rural Fire Service (RFS) Inner Protection Area (IPA). The variation fails the environmental test because the extra building height directly causes localised environmental degradation and canopy loss.

4. Destroying the Transition Buffer to Low-Density Neighbourhoods

- Violating Zone Objectives: The surrounding neighbourhood is strictly low-density residential (R2) with a strict 9.5-metre height cap. The objective of that standard is to ensure development matches the natural contours of the ridge and preserves suburban amenity.
- Bypassing Local Masterplans: Levande is using the State Significant Development (SSD) pathway to force commercial scale into a quiet suburban envelope. Granting a Clause 4.6 variation **here sets a dangerous precedent, signalling that developers can use the "seniors housing" label as a tool to ignore local height protections.**

Formal Objection to Clause 4.6 Variation

1. Formal Objection to the Clause 4.6 Variation Request (Building Height Limits)
We formally urge the Department and the Independent Planning Commission to reject the Clause 4.6 variation request to exceed the maximum building height standard for this development. The applicant has failed to demonstrate "sufficient environmental planning grounds" under Clause 4.6(3)(b) of the planning

framework. Compliance with the strict local 9.5-metre height control is a fundamental safety baseline for this site, rendering the developer's request to build multi-storey luxury blocks entirely unreasonable and unsafe.

- Amplification of Fire and Radiant Heat Exposure: The Lourdes site sits on a ridge overlooking a heavily wooded valley. Uphill fire runs accelerate rapidly, generating massive vertical flame fronts and intense convective heat columns. Pushing buildings up to 5 storeys vastly increases the vertical surface area of the building envelope, exposing the upper levels of these 2- and 3-bedroom luxury apartments directly to maximum radiant heat flux and high-velocity ember attacks rushing out of the Garigal canopy.

- The Vertical Trap for Aged Demographics: Traditional low-density seniors housing allows for immediate, ground-level egress. By introducing 4-5 storey residential flat blocks, Levande creates an unacceptable vertical trap. Evacuating frail, elderly, or cognitively impaired residents downward through narrow internal stairwells during a fire emergency is a logistical failure—particularly given that elevators/lifts automatically shut down during emergency power cuts.

2. The Illusion of Safety Against an Un-Clearable National Park Boundary

- The Static Boundary Reality: The developer's bushfire report assumes the risk is managed because the Asset Protection Zone (APZ) is contained entirely within Levande's private property lines. However, because the applicant is legally barred from clearing or managing fuel loads inside the adjacent Garigal National Park, the property line directly interfaces with a permanent, un-clearable wilderness.

- Failure of Internal APZ Buffers: Forcing the full depth of the Inner Protection Area (IPA) onto their own 5.25-hectare site requires a radical, structural clearance. An internal strip of manicured lawn cannot insulate 5-storey concrete buildings from the extreme thermodynamic intensity of a crown fire hitting the ridge. Relying on complex, multi-storey mechanical systems to keep vulnerable seniors alive on upper floors is a fatal risk if a single component fails.

3.Failure of Cumulative Evacuation Capacity and the Stanhope Road Bottleneck

- Inseparable Demographic Risk Profile: Although the developer intends a Torrens title subdivision to legally separate the independent living units (ILUs) from the Killara Glades Care Community residential aged care facility (nursing home), a bushfire does not respect property boundaries. High-dependency nursing home patients and independent apartment residents will compete simultaneously for the exact same evacuation windows, staff assistance, and emergency vehicles.

- Single Trapped Cul-de-sac: Stanhope Road is a narrow, heavily canopy-covered local road serving as the sole vehicular entry and exit point for the entire valley. The addition of high-density luxury apartments significantly increases the local population and vehicle count.

- Gridlock and Emergency Service Confrontation: In a catastrophic bushfire scenario, smoke, panic, and abandoned vehicles will instantly gridlock Stanhope Road. Standard evacuation modelling fails to address the logistical reality that while hundreds of resident vehicles are trying to exit up Stanhope Road, Emergency Services (NSW Rural Fire Service and Fire and Rescue NSW) heavy tankers will be trying to push down the same narrow road, causing total paralysis.

We formally urge the Department to **reject** the Clause 4.6 variation request to exceed the maximum building height standard for SSD-88004956. The applicant has utterly failed to demonstrate 'sufficient environmental planning grounds' under Clause 4.6(3)(b).

Increasing the building height up to 5 storeys on a ridge immediately adjacent to the un-managed canopy of the Garigal National Park significantly escalates the catastrophic risk profile for an aged, high-dependency demographic. The vertical extension of these building envelopes directly exposes upper floors to heightened radiant heat flux and severe convective wind-and-ember vectors characteristic of uphill crown bushfire runs. Compliance with the strict 9.5m local height control is neither 'unreasonable' nor 'unnecessary'; rather, it is a fundamental safety mechanism required to limit population density and ensure immediate ground-level evacuation accessibility on a site trapped by a single, narrow road bottleneck (Stanhope Road*).*

Bushfire Hazzard and Evacuation

Because Garigal National Park features continuous, steep, and dense sandstone gully vegetation, it represents the highest possible fuel load configuration in the state. For facilities sitting anywhere from BAL-29 up to the BAL-40/Flame Zone (BAL-FZ) interface next to this specific park, the new 2026 controls impose strict, non-negotiable hurdles**.**

Figure 4 Minimum APZ based on 10kW/sq m

This map (*Figure 4 Minimum APZ based on 10kW/sqm*) is taken from Ku-ring-gai Council submission October 2022 to Planning Proposal PP-2022-658. To rezone and increase height and FSR at 95-97 Stanhope Road Killara (Lourdes Retirement Village).

The map demonstrates that a minimum 100metre APZ is required for the Lourdes site. The SSD-88004956 proponent is proposing an APZ ranging in area from 36m-56m within the BAL Flame Zone

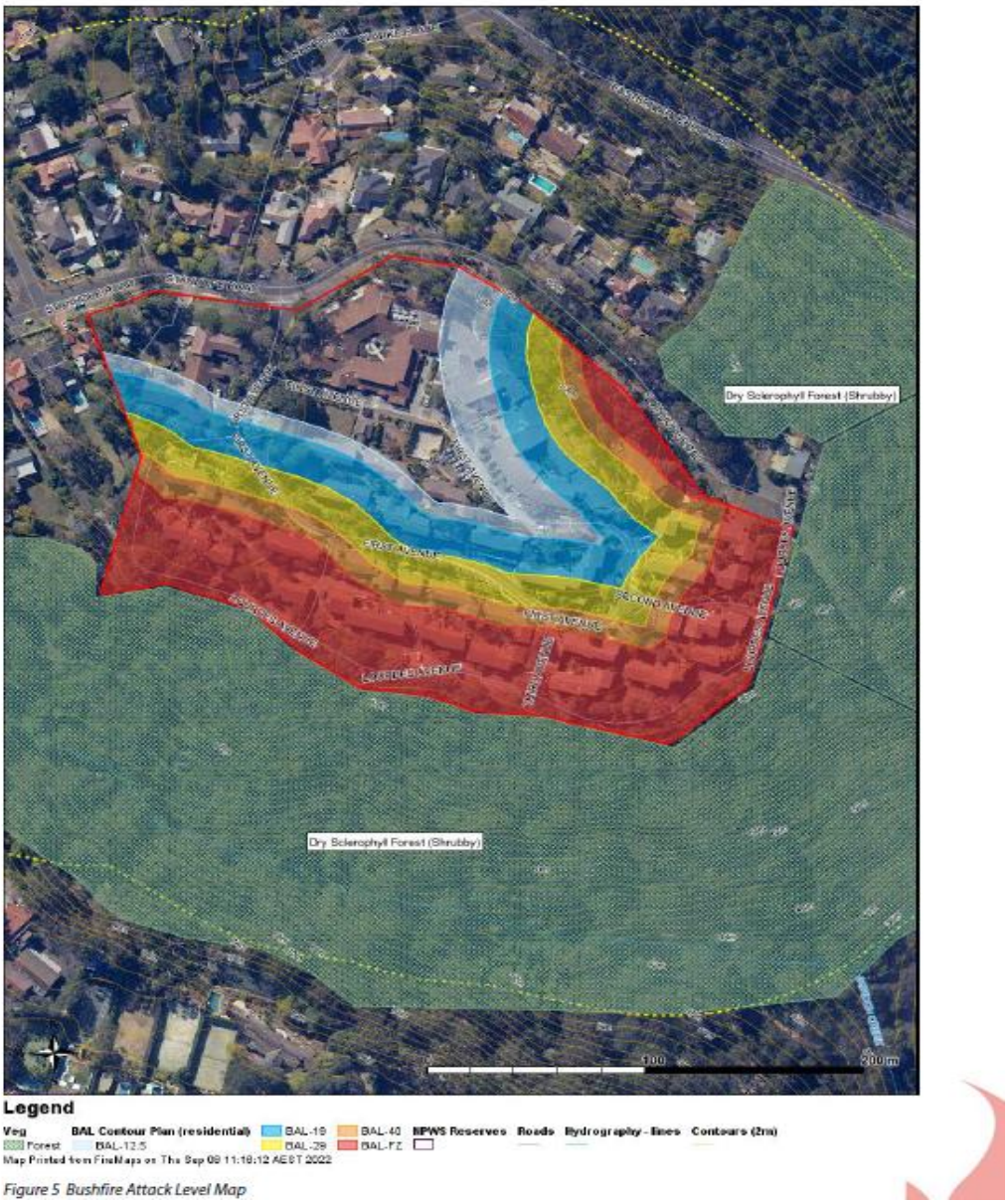


Figure 5 bushfire attack level map **is taken from the Ku-ring-gai Council submission -October 2022 in response to Planning Proposal PP-2022-658. To rezone and increase height and FSR at 95-97 Stanhope Road, (Lourdes Retirement Village).**

The map which shows accurately the bushfire attack level for Lourdes Retirement Village. The proposed SSD-88004956 APZ is entirely within the BAL Flame Zone.

Lourdes Retirement Village 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 and scattered heath understorey and ground cover 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 which is considered to have the **highest combustibility of fire rating.**

A review of the ecological information presented in the Lots search report indicates that the site contains the following native vegetation: Wet Sclerophyll and Dry Sclerophyll Forests of the Northern Hinterland Wet Sclerophyll and Sydney Coastal Dry Sclerophyll Forests vegetation class.

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 Easter Arterial Road into bushland southeast of

Lourdes and run upslope (varying from a 10-15-degree slope southeast to 15–20-degree slope east, south and southwest) toward the site.

Whilst there are no recent recordings of Wildfires recorded within the bushland surrounding Lourdes but there are public records that the site was impacted and engulfed by fire in the 1950's.

There are SES and RFS resources in the area for active fire intervention in the area but in the event of a wildfire, should it occur, will depend on the speed of an approaching fire behaviour and how stretched emergency services are as to whether they can be relied upon to provide active fire intervention and rescue.

A reading of the proponent's May 2026 Bushfire Assessment Report prepared by *Building Code and Bushfire Hazard Solutions Pty Ltd* reveals that its evaluation of the emergency evacuation routes relies entirely on a compliant, paper-based checklist. **The proponent's report fails to model the severe, dynamic realities of an evacuation under climate-escalated fire conditions**.

The planned evacuation routes present major structural safety hazards when analysed against the geography of the site, localised fire behaviour, and resident vulnerabilities.

A. Critical Failures in the Planned Evacuation Routes

1. The Single Cul-de-Sac Chokepoint (Stanhope Road)

- The Plan: The master plan routes all emergency egress out of the facility via Stanhope Road, which functions as a narrow, single-point cul-de-sac running along a ridge line.
- The Failure: Building Code & Bushfire Hazard Solutions treats this road as a standard, compliant public egress avenue. It fails to account for traffic gridlock when emergency services vehicles (NSW RFS and Fire and Rescue trucks) attempt to enter the site using the same narrow corridor while elderly residents are trying to drive out.
- Topographic Danger: Because Stanhope Road runs along a ridge apex flanked by plunging valleys, the road itself will be subjected to intense radiant heat and smoke logging as fire speeds accelerate uphill, rendering the sole escape route unusable.

2. Total Reliance on Delayed "Early Evacuation" Models

- The Plan: The report assumes that a "Bushfire Emergency Management and Evacuation Plan" will mitigate risk by ordering residents to leave hours before a fire front arrives.
- The Failure: This model ignores the human behaviour profiles of an aging, less-mobile population. Senior's housing facilities such as the Killara Glades Care Community facility on site contain high ratios of non-drivers, residents with severe mobility impairments, and dementia patients. Evacuation cannot happen rapidly. If an unexpected spot fire breaks out from an ember storm crossing from Garigal National Park, the delayed "early" evacuation strategy completely collapses.

3. Inability to Survive "Shelter-in-Place" (The Default Trap)

- The Reality: If Stanhope Road becomes blocked by fallen trees, abandoned cars, or fire appliances, residents will be forced to shelter-in-place inside the village.
- The Failure: The consultant's report assumes the buildings will protect residents because they meet structural building codes. However, under severe northwest wind storms, the continuous tree canopies in Seven Little Australians Park and Garigal National Park will shower the complex with extreme ember loads. These embers will breach the TreeIQ-designed internal gardens, igniting localised fuel pockets directly adjacent to windows and doors where residents are sheltering.

4. Inadequacy of the Planned Emergency Evacuation Framework

The Bushfire Assessment Report by *Building Code and Bushfire Hazard Solutions Pty Ltd* presents a lethal evacuation strategy that relies entirely on mathematical compliance rather than real-world operational parameters:

- Single Egress Chokepoint: Routing an expanded population of elderly residents down Stanhope Road—a narrow cul-de-sac ridge road—guarantees traffic gridlock. The report fails to model simultaneous civilian egress and RFS fire truck access.

- Mobility Demographics Disregarded: The assessment relies on a flawed "early evacuation" model that completely ignores the time-lag realities of moving vulnerable, non-mobile, or cognitive-impaired seniors during a fast-moving valley fire event.

- Ember-Driven Shelter Failures: The report does not simulate what happens when the sole exit road is cut off. Forcing hundreds of vulnerable residents to shelter-in-place on a high-exposure ridge exposed to extreme ember storms from Garigal National Park and Seven Little Australians Park will overwhelm on-site defences and result in an unacceptable risk to human life.

Moreover, The Bushfire Assessment Report by *Building Code and Bushfire Hazard Solutions Pty Ltd* does not make a dynamic or localised assessment of fire behaviour generated by the canopies of those parks, nor does it factor in climate change impacts.

Because it strictly follows the state's mandatory statutory template—the *Planning for Bush Fire Protection 2019/2022* (PBP) framework—the report treats Garigal National Park and Seven Little Australians Park using generic baseline parameters rather than a custom ecological or meteorological model.

B. The core failures in the report's assessment regarding these specific elements include:

1. Total Omission of Climate Change Impacts

- The Static Metric: The report calculates the Asset Protection Zone (APZ) requirements using the mandated standard Fire Danger Index (FDI) of 100 for Greater Sydney.

- The Assessment Gap: It completely omits climate change projections. It fails to model the impact of unprecedented multi-year droughts, historically low fuel moisture levels, or the increased frequency of 45°C+ days. The report assumes the next 50 years of fire behaviour will mirror the historical regulatory baseline, ignoring the reality that climate-escalated fire behaviour will easily breach standard compliance margins.

2. Failure to Model Dynamic Canopy Fire Behaviour

- The "Flat Hazard" Assumption: The consultant classifies the continuous, high-fuel vegetation structures of Garigal National Park and Seven Little Australians Park simply as standard "Forest."

- The Canopy Deficit: The report does not dynamically simulate independent canopy-to-canopy fire behaviour under severe northwest wind profiles. Instead, it mathematically assumes that a standard horizontal clearance buffer on the property line will stop a fire, ignoring the massive ember storms generated by a full-crown fire in the deep national park valleys that would bypass internal landscape treatments entirely.

3. Basic Topographical Modelling Without Localized "Chimney Effects"

- The Math vs. Reality: The report records the physical slope percentage dropping away from the residential footprint into the park valleys to satisfy the RFS building setback calculation formulas.

- The Omission: It does not model localised aerodynamic fire behaviour, such as the topographic chimney effect or wind funnelling. When an intense wildfire moves up the steep ridges of the Killara valleys, the topography compresses heat and accelerates fire runs far faster than a standard spreadsheet formula predicts.

4. Methodological Failures in the May 2026 Bushfire Assessment Report

- Climate Change Blindspot: The report applies a historical baseline FDI of 100, completely failing to factor in climate change projections, prolonged fuel dryness, or escalating weather extremes that threaten Special Fire Protection Purpose (SFPP) facilities.

- Park Canopy Inadequacy: The complex, interconnected canopy fuels of Garigal National Park and Seven Little Australians Park are treated as flat mathematical variables. The report fails to model severe, wind-driven crown fire behaviour and the resulting extreme ember loading that would render perimeter landscape treatments useless.

- Topographic Oversimplification: The report calculates basic slopes but completely ignores localised topographic fire acceleration and "chimney effects" unique to the Killara ridge lines. Squeezing a

vulnerable senior housing village against an unmodeled, climate-escalated valley fire hazard presents an unacceptable risk to human life.

(Having lived in Killara for 21 years in my early my life and now living in the adjacent suburb of Lindfield within 2.5kms of Lourdes, I am aware of how bushfire prone the area is. As a young schoolgirl in the 1950's living in Killara my family were warned to potentially prepare to evacuate due to oncoming bushfire from within the Garigal National Park.)

The fuel load in the Garigal National Park and adjacent Seven Little Australians Park will have increased significantly since 2023 due to the increase of heavy rainfall periods. Reports now indicate we are entering a new period of El Nino weather events which will likely increase higher temperatures, dry and windy conditions and droughts.

We understand that the last highly localised fuel management burns explicitly targeting the village's direct perimeter edges took place in **September 2020** and **March 2019**. A primary reason fire crews face obstacles running standard hazard reduction burns directly up to the village boundaries due to the lack of adequate defendable space.

C. Predicted El Nino Period
A recently predicted El Niño period will rapidly dry out the dense forest vegetation built up from recent rains, significantly escalating the intensity of bushfires, fast-moving ember attacks, and the overall threat to the vulnerable residents at Lourdes Retirement Village due to:

1. Severe Drying of the Bushland Fuel Load

- The Vegetation Tinderbox: The massive growth of fine fuels (grasses, twigs, and leaf litter) caused by past heavy rains will dry out completely under El Niño's typical hot, dry, and windy conditions.
- Fuel Moisture Plummet: Moisture levels within both the Garigal National Park canopy and the understorey will drop to critical lows, making the bushland highly susceptible to easy ignition.
- Increased Fire Intensity: Because the fuel load has accumulated without recent perimeter burns, any fire that breaks out under El Niño weather will burn significantly hotter, move faster, and be much harder for crews to contain.

2. Heightened Fire Hazards to Lourdes Residents

- Severe Ember Attacks: The village is located directly above steep valley systems, which act as natural chimneys. Strong El Niño winds can carry burning embers kilometres ahead of a fire front, raining down directly onto the village.
- Radical Fire Behaviour: High temperatures and low humidity increase the likelihood of crown fires (fires traveling through the treetops) and spotting, which can instantly bypass existing fire trails.
- Reduced Reaction Time: Due to the dry fuel, a fire ignited deep in the national park will escalate into an emergency much faster, drastically narrowing the safe evacuation window for

D. Asset Protection Zone (APZ)
This submission objects to the proposed bushfire mitigation design framework submitted for SSD-88004956. The subject site features a high-exposure, direct perimeter interface with Category 1 National Park Forest (Garigal National Park), a volatile bushfire hazard.

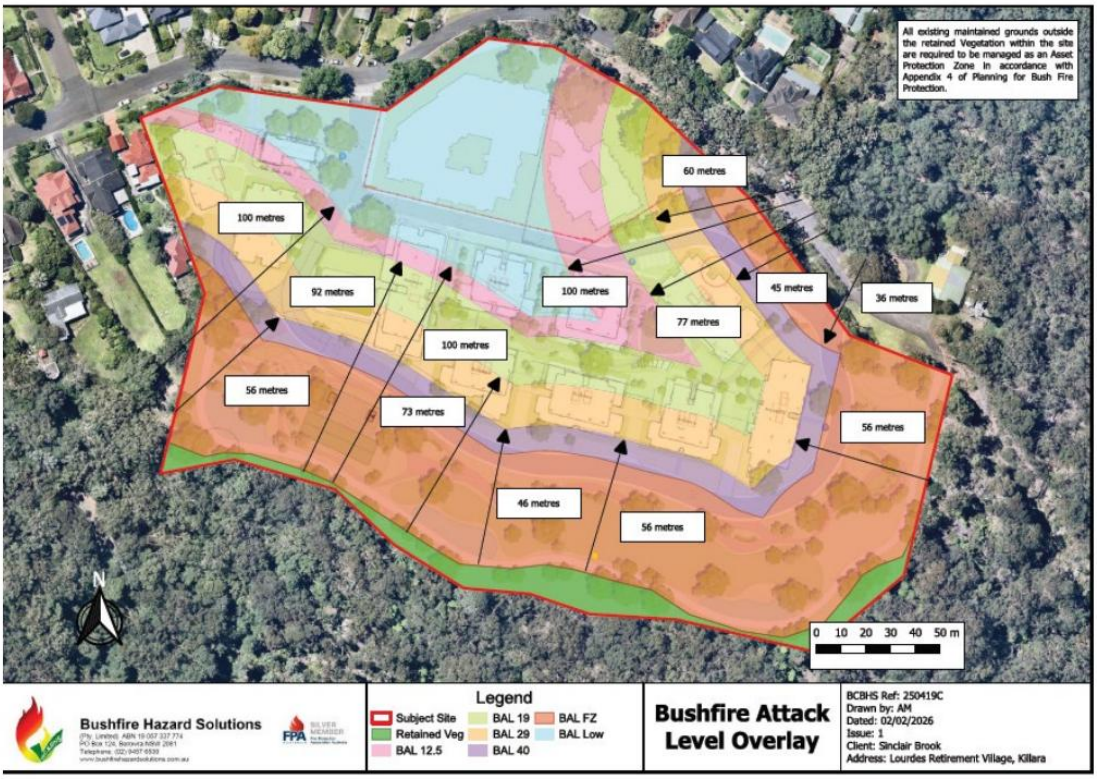


Figure 5 Bushfire overlay on the proposed development

Figure 5 taken from Bushfire Hazard Solutions Report.

1. Variable 36 metre to 56 metre Asset Protection Zone (APZ)
The application's reliance on a variable 36m to 56m Asset Protection Zone (APZ) to reduce hazard exposure down to a BAL-29 threshold constitutes an unacceptable risk and a regulatory non-compliance for a vulnerable, non-ambulatory demographic. While a BAL-29 rating successfully pushes the building footprints out of direct flame contact (BAL-FZ), it fundamentally fails the prescriptive mandate of the NSW Rural Fire Service (RFS) *Planning for Bush Fire Protection* (PBP) for Special Fire Protection Purpose (SFPP) seniors' housing.

Furthermore, the 2026 landscape design introduces a severe regulatory contradiction: it proposes structural tree canopy planting (*Tristaniopsis laurina*, *Elaeocarpus reticulatus*) inside a compressed buffer zone servicing BAL-29 envelopes. This strategy violates RFS Inner Protection Area (IPA) standards and directly clashes with Ku-ring-gai Council's strict environmental policies.

2. Technical Evaluation of the 36m–56m Variable APZ - The SFPP Statutory Deficit at BAL-29.
Under PBP guidelines, standard residential dwellings can be built to BAL-29 specifications using standard construction upgrades. However, the subject site is an SFPP seniors' housing development. Regulations strictly mandate that an SFPP APZ must suppress radiant heat flux at the building facade to 10 kW/m² or less (equivalent to BAL-12.5). This standard provides a defendable space where fragile residents can safely shelter or evacuate without suffering radiant heat shock.

- The 29 kW/m² Exposure: By allowing the APZ to narrow to 34 metres at various perimeter bottlenecks, the applicant acknowledges that the proposed boutique building facades will experience radiant heat up to 29 kW/m² during a bushfire event.
- The Vulnerability Risk: This exposure is nearly three times higher than the legally tolerated safety limit for an SFPP asset. Supplying an APZ that only achieves BAL-29 parameters leaves vulnerable occupants exposed to intolerable atmospheric heat loads during an evacuation window along the boundary line.

Topographical Traps and Downslope Complications

The rate of bushfire spread and flame length multiply drastically when traveling up a downslope. Portions of the Garigal National Park boundary slope downward away from the property envelopes. PBP prescriptive metrics state that a forest hazard on a downslope exceeding 10 degrees requires an expanded APZ width of 65+ metres to safely mitigate radiant heat down to the required 10 kW/m² threshold. A variable 36m -56m corridor fails to provide this protection, allowing a high-energy BAL-29 heat flux to directly strike the building facades.

3. Tree Species Suitability and Structural Landscape Conflicts

The 2026 proposed landscape design includes canopy planting within the APZ utilising the following suggested planting species:

 (*Tristaniopsis laurina - Water Gum*): Excellent choice; features very smooth bark and dense, moisture-rich foliage.

 (*Cupaniopsis anacardioides - Tuckeroo*): Fleshy, smooth leaves and smooth bark that do not support easy ignition.

 (*Waterhousea 'Green Avenue' - Weeping Lilly Pilly*): Rainforest heritage with dense, lush foliage that acts as a natural ember screen.

 (*Glochidion ferdinandi - Cheese Tree*): Smooth-barked native with soft, high-moisture foliage.

While these are smooth-barked or flesh-leaved species with lower volatile oil contents than typical stringybark eucalypts, we understand their possible inclusion inside a compressed 36m -56m APZ servicing a BAL-29 interface is highly unsuitable due to physical and spatial constraints.

Breach of NSW RFS Inner Protection Area (IPA) Standards

According to the NSW RFS Standards for Asset Protection Zones, an IPA footprint must ensure total canopy decoupling to guarantee that a fire cannot bridge across the managed zone. Under a BAL-29 interface:

- Tree canopies must remain completely fragmented, with a minimum 2-to-5-metre gap maintained between mature crowns.
- Tree canopies must not overhang within 2 metres of any building facade or roofline.
- Given the narrow 36-metre, 46-metre depth available at certain bottlenecks, planting trees with a mature canopy diameter of 5 to 10 metres makes it mathematically impossible to maintain both a 5-metre gap from the hazard boundary and a 2-metre canopy setback from the BAL-29 facades.

The Ku-ring-gai Council Policy Conflict

This application features an irreconcilable policy clash between bushfire safety and local conservation rules:

- Ku-ring-gai Council's Tree Preservation Orders (TPOs): The Council mandates the preservation of dense canopy coverage, local native vegetation communities, and the protection of urban forest lines adjoining national parks.
- RFS Fuel Reduction Mandates: To legally justify a Performance Solution at 36metres, the RFS requires the overall ground fuel load to be strictly capped below 4 tonnes per hectare. The lower tree limbs must be cut back to a clear height of 2 metres, and the canopy area restricted to less than 15% coverage.

The applicant attempts to appease Council green-infrastructure expectations by proposing tree planting within the APZ. However, doing so directly compromises the strict safety clearing metrics required to justify the compressed 36m - 56 boundary buffer, increasing fuel continuity near a facade already facing a severe 29 kW/m² heat flux.

4. Conclusion and Requested Action

The Sydney North Planning Panel previously rejected historic planning configurations for this retirement village due to unresolved occupant bushfire safety and evacuation risks. The 2026 landscape and APZ layout for SSD-88004956 fails to solve this fundamental issue. It attempts to squeeze new tree canopies into an abbreviated 36m–56m buffer zone that we understand, fails to clear the statutory 10 kW/m² SFPP heat restriction.

We request that the Department of Planning and Environment reject the application in its current form. The applicant must be required to either:

1. Increase the minimum property setback to a uniform, un-vegetated 60m+ APZ across all boundaries interfacing with Category 1 Forest lines to successfully drop radiant heat to the mandated 10 kW/m² SFPP standard.
2. Redesign the landscape matrix to eliminate all canopy tree planting within the designated 36-metre bottleneck corridors, ensuring full compliance with prescriptive NSW RFS IPA standards.

Divergent Dwelling Counts

The applicant's bushfire safety case relies on Section 6.4 of Planning for Bush Fire Protection 2019 (PBP 2019) — the "Development of existing SFPP facilities" pathway. PBP 2019 remains the legislated document under cl.271 EP&A Regulation 2021, in the form amended by the Addendum November 2022 (in force 1 May 2023) and the Addendum January 2025. The Addendum 2022 does not amend the APZ methodology in Table A1.12.1 of PBP 2019 that underpins the §6.4 substantial-improvement judgement. Under that pathway the applicant must demonstrate that the proposal delivers a materially safer outcome than the existing built form, in circumstances where the required new-SFPP Asset Protection Zones cannot be achieved.

That comparison is arithmetic. It depends on how many existing ILUs sit within BAL 40 and Flame Zone, and how many are being removed from those zones. The exhibited SSDA package uses at least four different dwelling numbers, and two of the key figures directly contradict each other.

The four numbers in the SSDA package.

The following figures appear across the exhibited documents. They are used inconsistently and, in places, are contradictory:

Figure	Where it appears	What it is said to describe
172	EIS §1.2 (Executive Summary) and §4.7 (Lourdes Retirement Village)	Existing dwellings on site to be demolished: 108 independent living units plus 64 serviced retirement apartments.
145	EIS §4.7, §7.7 and Table 4 (key development metrics, p.30)	New independent living units (ILUs) proposed across nine new 2–5 storey buildings.
143	EIS §1.2 and §7.7 Bushfire (p.96)	Existing ILUs said to be "removed from the highest-risk parts of the site" — i.e. from land classified as BAL 40 and Flame Zone.
127	Bushfire Assessment Report (Appendix AA), p.19 and p.24	SFPP accommodation described as "either located within or connected to" areas of BAL 40 / Flame Zone that will be

Figure	Where it appears	What it is said to describe
		removed. Report also asserts elsewhere that the number is 143.
83	EIS §1.2 and §4.6 (Residential Care Facility)	Beds retained in the Killara Glades residential care facility (RCF) — no change to bed count, façade ember upgrades only.

The critical contradiction:

The Bushfire Assessment Report at p.19 states that 127 ILUs — being 100% of those currently occupying BAL 40 / Flame Zone — will be removed. At p.24 of the same report, and in EIS §7.7 (p.96), the figure is given as 143.

Both numbers cannot be right. Either the report has understated the current exposure at p.19, or it has overstated the improvement at p.24. Either possibility undermines the "substantial improvement" conclusion at §8 of the Bushfire Assessment Report.

We ask the proponent to:

- Reconcile the ILU counts (127 vs 143 vs 145 vs 172) on the face of the SSDA package — before further exhibition, not in the response-to-submissions.
- Re-state the s.6.4 "substantial improvement" argument against the reconciled numbers.
- Provide a plan overlay showing which specific existing ILUs are within BAL 40 / Flame Zone today, and which of those are being removed, retained, or replaced with new BAL-29 construction.
- Quantify the before/after residual bushfire risk to occupants (radiant heat exposure, evacuation time, self-evacuation vs assisted evacuation cohorts) rather than restating the "overwhelmingly better outcome" conclusion.

See references:

- Beam Planning, Environmental Impact Statement, 95–97 Stanhope Road Killara, dated 19 June 2026: §1.2 Project Overview; §4.6 Residential Care Facility; §4.7 Lourdes Retirement Village; §7.7 Bushfire (p.96); Table 4 Summary of Key Development Metrics (p.30).
- Bushfire Hazard Solutions, Bushfire Assessment Report (Appendix AA to the EIS), Ref 250419C v3 dated 26 May 2026: p.19 and p.24.
- NSW Rural Fire Service, Planning for Bush Fire Protection 2019, Chapter 6 including §6.4 "Development of existing SFPP facilities".

Landscape Plan

The proposed landscape plan for Levande's Stanhope Road redevelopment (SSD-88004956) has generally low suitability for a severe bushfire BAL40-FZ Category 1 Vegetation prone area. In practice, it creates a direct conflict between fire containment requirements and local environmental protection mandates.

An evaluation of the landscape layout's specific issues within this high-risk zone highlights several key gaps:

1. Inadequate Physical Setbacks and Fuel Loads

- The Garigal National Park Proximity: Because the site sits flush against unmanaged, steep valley vegetation inside the Garigal National Park, a fire front will approach the property line with intense radiant heat and heavy ember showers.
- Compromised Buffer Zones: The landscape plan tries to squeeze the required Asset Protection Zone (APZ) entirely inside Levande's boundary line by clearing existing structures and trees. However, independent assessments show that creating a true, safe setback for 4-5 storey buildings on this terrain requires much greater physical separation than the current layout provides.

2. Destruction of the Local Canopy vs. Fire Risk

- To legally satisfy the NSW Rural Fire Service (RFS) standards for an Inner Protection Area (IPA), the landscape plan must permanently remove or heavily thin out a vast majority (366 trees) of the site's mature trees.
- In peer reviews of the site's design, Council notes that bushfire rules will restrict the site to as little as 15% vegetation coverage outside the environmental zone. This severe clearing creates an artificial, barren microclimate that removes natural shade, increases ground-fuel drying, and exacerbates wind-tunnel effects during a fire storm.

3. High-Risk Species Retention

- To soften the visual impact of the 2-5-storey buildings from the adjacent *Seven Little Australians Park*, the landscape plan attempts to preserve or replant certain canopy elements.
- Retaining or integrating fire-prone native vegetation (such as *Myrtaceae* species like Eucalypts or stringybark trees) within a compromised APZ provides a structural bridge for embers. This compromises the building envelopes and directly threatens the safety of vulnerable seniors sheltering inside.

4. Violation of Local Environmental Policy and Loss of Urban Canopy Core

- Defying Local Net Zero Frameworks: The extensive landscape clearing required to engineer the APZ directly violates the Ku-ring-gai Council Climate Change Policy, which mandates halving greenhouse gas emissions by 2030 and preserving the LGA's vital carbon sinks.
- The "Carbon Credit Deficit": The Environmental Impact Statement (EIS) completely fails to account for the catastrophic loss of localised biomass carbon resulting from clearing mature native and exotic trees on this site. Levande cannot claim alignment with global green frameworks and its corporate sustainability commitments while executing a localised environmental strip-clearance that strips the Killara valley of its natural carbon storage.
- Breaching Tree Preservation Guidelines: The forced clearing of canopy vegetation directly conflicts with the strict environmental controls outlined in the Ku-ring-gai Development Control Plan (DCP) Part 13 for Tree and Vegetation Preservation. This clearing removes critical urban forest buffers that isolate the valley's threatened ecological communities from high-density urban encroachment, creating an artificial, barren microclimate that removes natural shade and accelerates ground-fuel drying.

The DPHI cannot accept a landscape plan that attempts to **greenwash** an extreme bushfire hazard zone. The TreeiQ plan places an idealistic desire for biodiversity retention directly inside a high-risk APZ buffer zone where resident survival depends on aggressive fuel reduction. Public safety must override environmental compromises. SSD-88004956 should not be approved with the current landscape layout.

Arboriculture Assessment

The redevelopment of the Levande site should not be considered until such time that the impacts on threatened species of flora and fauna listed ecological communities are fully considered.

The Levande site is identified on the NSW biodiversity values map and mapped as supporting both the Commonwealth and State critically endangered listed Blue Gum High Forest (BGHF) and the Sydney Turpentine Ironbark Forest (STIF). A number of healthy critically endangered *Syncarpia glomulifera* are proposed to be removed.

1. Primary Canopy STIF Species (High Representation)
These are the foundational canopy species of the ecological community that are explicitly cataloged in the TreeiQ tree inventory as native remnants of the site's original shale-derived soil profile:

- Turpentine (*Syncarpia glomulifera*)**:** Highly prevalent in the TreeiQ schedule. Multiple mature and over-mature specimens are flagged across the western and northern boundaries. These are the highest-priority conservation trees on the site, with several marked for removal or major pruning structural impacts due to encroachment from the proposed building footprints and accompanying Asset Protection Zones (APZs).

- Grey Ironbark (*Eucalyptus paniculata*)**:** Well-represented in the tree schedule. TreeiQ notes several dominant, mature specimens within the central and peripheral zones of the Lourdes Village grounds. Along with the *Syncarpia glomulifera*, these form the core canopy metrics used by the BDAR to calculate the site's baseline vegetation integrity score.

- Grey Gum (*Eucalyptus punctata*)**:** Included in the schedule, primarily localised toward the lower sandstone transition slopes leading down toward the Garigal National Park boundary.

- Thin-leaved Stringybark (*Eucalyptus eugenoides*): Present in fewer numbers within the schedule but noted as part of the remnant structural canopy mix.

2. Understorey and Mid-Storey Species
The treatment of the mid-storey species in the TreeiQ schedule shifts based on their ecological status versus their origin on this specific managed retirement village site:

- Sweet Pittosporum (*Pittosporum undulatum*)**:** Heavily featured in the schedule but frequently assigned a lower retention value or classified as a weed/invasive native. While naturally a mesic component of STIF in high-rainfall zones, decades of fire suppression and garden management at Lourdes Village have allowed it to become over-dominant. TreeiQ routinely marks these for removal to open up the understorey and clear the APZ.

- Elderberry Panax (*Polyscias sambucifolia*)**:** Listed in the schedule primarily within the lower-stratum vegetation clusters. Where it falls within active excavation zones, it is marked for clearing, with the BDAR accounting for it via understorey biodiversity ecosystem credits rather than individual tree asset protections.

Summary of Impact Treatment in the Schedule
In the TreeiQ report, every individual tree from the eucalypt and turpentine list above is assigned a Tree Retention Value (High, Medium, or Low) and assigned a tree retention or removal value to the trees.

1. What TreeiQ Says About the BDAR & Sydney Turpentine-Ironbark Forest (STIF)
The report interfaces with the BDAR regarding the proposed removal of trees classified as **Sydney Turpentine-Ironbark Forest (STIF)**—which is listed as a **Critically Endangered Ecological Community (CEEC)** in NSW:

- Mandatory Offsetting Trigger: The report defers the ultimate calculation of "loss" to the BDAR. Because STIF is critically endangered, the report highlights that any removal of individual canopy trees (such as *Syncarpia glomulifera* / Turpentine or *Eucalyptus paniculata* / Grey Ironbark) cannot be treated as standard urban tree removal. It mandates strict adherence to the BDAR's ecosystem credit offset requirements under the NSW Biodiversity Offsets Scheme.

- Impact of the Bushfire Asset Protection Zone (APZ): The report notes that a primary driver for removing or heavily pruning these critically endangered species is the establishment of the new **Asset Protection Zone (APZ)** required to reduce bushfire risk on the edge of Garigal National Park. The report specifies that clearing native canopy within the APZ directly impacts the STIF vegetation integrity scores calculated in the BDAR.

- Avoidance Protocol: In alignment with the BDAR, the report outlines design modifications where buildings and infrastructure footprints were shifted to maximise the retention of high-retention-value STIF trees, prioritising removal only where absolute bushfire asset protection or structural footprints overlap.

2. Other Threatened Species and Communities Mentioned
Beyond the dominant Sydney Turpentine-Ironbark Forest footprint, the assessment and cross-referenced BDAR data identify the following ecological threats on and directly adjacent to the 95-97 Stanhope Road site:

- Duffy's Forest Ecological Community: Due to the site's transition zone toward the Hawkesbury sandstone of Garigal National Park, peripheral areas of the site contain minor remnant elements or transitional soil profiles indicative of the **Duffy's Forest Endangered Ecological Community**.

- Threatened Microbat Habitat: The report cross-references fauna habitat noted in the BDAR, highlighting that mature canopy trees proposed for removal contain hollows that serve as potential roosting habitat for threatened microbat species, specifically the **Eastern False Pipistrelle** (*Falsistrellus tasmaniensis*) and the **Greater Broad-nosed Bat** (*Scoteanax rueppellii*).

- Powerful Owl (*Ninox strenua*) Foraging Canopy: While no nesting hollows were confirmed directly within the active demolition footprint, TreeiQ identifies that the upper mature canopy of the site acts as critical urban canopy foraging habitat for the **Powerful Owl**, which is known to frequent the adjacent Ku-ring-gai wildlife corridors.

Summary
The **Arboricultural Impact Assessment** reveals severe, unmitigated direct impacts on Critically Endangered Ecological Communities (CEEC) and threatened fauna habitat.

The application fails to demonstrate true adherence to the "avoid and minimize" principles mandated by Section 7.2 and Section 7.14 of the NSW Biodiversity Conservation Act 2016. It relies systematically on external offsetting mechanisms rather than site-based conservation.

Specific Grounds of Objection
A. Inadequate Avoidance of Sydney Turpentine-Ironbark Forest (STIF)

- **The Impact:** The report confirms the removal and severe structural modification of mature canopy trees belonging to the **Sydney Turpentine-Ironbark Forest (STIF)** community. This is listed as a **Critically Endangered Ecological Community (CEEC)** under Schedule 2 of the BC Act.

- **The Policy Conflict:** The Biodiversity Assessment Method (BAM) dictates that a hierarchy of **Avoid, Minimize, and Offset** must be strictly applied. The current design treats the destruction of a CEEC as a certainty, deferring entirely to ecosystem credit offsets in the BDAR. Offsetting should be a tool of absolute last resort, not a mechanism to justify clearing high-retention urban canopy.

B. Artificial Footprint Expansion via Asset Protection Zones (APZs)
- The Impact: The report identifies that a primary driver for the clearing and aggressive pruning of native STIF trees (*Syncarpia glomulifera* and *Eucalyptus paniculata*) is the creation of a bushfire Asset Protection Zone (APZ) to protect the proposed medium/high-density buildings adjacent to Garigal National Park.

- The Policy Conflict: The proponent has designed a built footprint that deliberately forces the APZ outward into the most ecologically sensitive, high-integrity bands of the site. Under the BC Act and Ku-ring-gai Local Environmental Plan (LEP), the building layout should be compressed or set back further to ensure the APZ falls entirely within already-cleared land. Using fire safety requirements to circumvent local tree protections violates the intent of the planning controls.

C. Unmitigated Destruction of Threatened Microbat Habitat
- The Impact: The report acknowledges the loss of mature hollow-bearing canopy trees cross-referenced as potential roosting habitats for threatened microbat species, specifically the Eastern False Pipistrelle (*Falsistrellus tasmaniensis*) and the **Greater Broad-nosed Bat** (*Scoteanax rueppellii*).

- The Policy Conflict: Section 7.3 of the Biodiversity Conservation Act requires a rigorous **Test of Significance** regarding the lifecycle of these species. Tree removal and subsequent noise/light pollution during construction constitute a "prescribed biodiversity impact" under the Biodiversity Conservation Regulation 2017. This impact will disrupt localised foraging and breeding cycles, permanently damaging the urban habitat corridor.

D. Fragmentation of Key Wildlife Corridors (Powerful Owl Foraging)

- The Impact: The upper canopy slated for deletion is explicitly recognized as foraging habitat for the Powerful Owl (*Ninox strenua*).
- The Policy Conflict: The removal of this canopy breaks the contiguous habitat link between Lane Cove National Park and Garigal National Park. The incremental loss of critical foraging trees diminishes the local carrying capacity for this apex predator, creating an adverse effect on a listed threatened species under the Biodiversity Conservation Act.

Demands for Treatment and Regulatory Compliance
To achieve genuine alignment with the Biodiversity Conservation Act 2016 and Ku-ring-gai Council's environmental targets, the consent authority must enforce the following conditions:

1. Redesign the Masterplan Footprint: Require the proponent to scale back the western and northern boundaries of the proposed buildings. This will ensure that the Asset Protection Zone (APZ) requires zero removal of STIF canopy trees.
2. Enforce Serious and Irreversible Impacts (SAII) Thresholds: The DPHI must determine whether the removal of this specific stand of STIF qualifies as a Serious and Irreversible Impact (SAII) under Section 7.16 of the BC Act, which carries a mandatory requirement for refusal.
3. Hollow-Bearing Tree (HBT) Protection Protocols: Any tree marked for removal that contains visible hollows must undergo strict, independent ecological clearing supervision. This must include soft-felling techniques and the immediate installation of replacement, species-specific microbat boxes within nearby preserved zones of the site.
4. In-Perpetuity Conservation on Site: Rather than buying distant, disconnected offset credits through the Biodiversity Conservation Fund, the developer must establish a legally binding Biodiversity Stewardship Site on the remainder of the Lourdes property to protect the surviving STIF ecosystem locally.

Conclusion
The report clearly identifies that the Levande proposal treats Ku-ring-gai's critically endangered urban canopy as a secondary concern to maximum floor space. We urge the Department of Planning to reject the current application until the layout is altered to ensure 100% preservation of all critically endangered and threatened species habitats on site.

BDAR ASSESSMENT

The scale of vegetation and habitat loss disclosed in Levade's reports is not adequately justified, avoided or mitigated, and we ask that the Department refuse the application in its current form, or at minimum impose the conditions set out in this submission.

The proponent has provided **no full ecological assessment** of the site and has made no real effort to determine the presence or absence of threatened flora or fauna species recorded within the site or the locality.

There is no impact assessment of any threatened species plant or animal that are impacted by the proposal. As an example, the proposal seeks to remove foraging resources for the Grey-headed Flying Fox (*Pteropus poliocephalus*) however no impact has been prepared in accordance with section 7.3 of the *Biodiversity Conservation Act 2016.*

The proposal also fails to consider direct and indirect impacts on the downstream environment which supports habitats for threatened species. The proposed development will result in extensive excavation of the site for car parking basements across the centre of the site. The excavation may result in changes in the hydrological environment to the downstream environment.

1. The scale of tree removal is disproportionate, and the proponent's own tree assessment shows higher-value trees are not being prioritised for retention.
The AIA assessed 628 trees and tree groups on site. Of the 620 living trees assessed for impact, 366 (59%) are proposed for removal, and only 254 are proposed for retention (AIA §3.1.1, §3.2.1).

Every tree was independently allocated a "Retention Value" (Priority for Retention / Consider for Retention / Consider for Removal / Priority for Removal) by TreeiQ, based on landscape significance and useful life expectancy, and expressly not influenced by the development design (AIA §2.2.9). This is meant to show whether the design has prioritised retention of the site's most valuable trees, as required by AS 4970–2025. It does not:

Retention value (independently assessed)	Total on site	Proposed for removal	% of category removed
Priority for Retention (highest value)	24	3	12.5%
Consider for Retention	206	60	29%
Consider for Removal	302	217	72%
Priority for Removal (lowest value)	88	86	98%

Source: AIA, Table 2 (Tree Removal – Summary of Impacts) and Table 3 (Tree Retention – Summary of Impacts), §3.1 and §3.2.

This means 63 of the 366 trees being removed, 17% of all proposed removals, are trees the Applicant's own arborist rated as worth keeping (Priority or Consider for Retention). These are not being removed because they are dead, diseased or low-value: the AIA records they are being removed for "Building", "Road" and "Landscaping" works (AIA Table 2). Examples of mature, high-value trees rated "Priority for Retention" but scheduled for removal include:

- Tree 8 – Norfolk Island Pine (Araucaria heterophylla), 0.75m DBH, 23m tall, ULE 40+ years, "High" landscape significance — removed for building works.
- Tree 93 – Sydney Red Gum (Angophora costata), 0.4m DBH, 17m tall, ULE 40+ years — removed for building works.
- Trees 97 and 98 – mature Brush Box (Lophostemon confertus), up to 18m tall, one rated ULE 40+ — both removed for building works.

Source: AIA, Appendix 3 (Tree Assessment Schedule), Tree Nos. 8, 93, 97, 98; and Table 2.

The Department's assessment should not accept at face value the AIA's conclusion (§3.1.2, §4.1.3) that "83% of trees proposed for removal are Consider for Removal or Priority for Removal" as evidence that retention has been prioritised. The remaining 17% represents 63 valuable, healthy, established trees, some with 40+ year useful life expectancies that cannot be replaced within a human generation, removed for reasons of design convenience rather than necessity.

2. Trees proposed to be "retained" are not secure, and protection measures are not yet finalised.
Of the 254 trees proposed for retention, 65 (26%) will have construction works within their Notional Root Zone rated as a Moderate or Major Encroachment under AS 4970 (AIA §3.4.1, Table 3), including numerous large, mature Eucalyptus, Angophora and Corymbia specimens, several of which are already recorded with existing decay, deadwood or structural defects that TreeiQ recommends be investigated by internal diagnostic testing before any reliance is placed on their retention list (AIA §2.2.8, §4.1.9).

Critically, the AIA confirms that the detailed Tree Protection Plan required to actually manage these impacts during construction has not yet been prepared and is deferred to the Construction Certificate stage (AIA §4.1.6): "A detailed Tree Protection Plan should be prepared based on the Construction Certificate Plans and final Construction Management Plan." This means the level of protection afforded to the 65 encroached trees, and by extension whether they survive construction at all, is not able to be properly scrutinised at this development application stage.

The AIA also acknowledges its own limitations: pruning requirements were assessed "from ground level with no set-out of the proposed footprints provided" (AIA §3.5.3), and the underlying Visual Tree Assessment was itself a ground-level-only inspection with no internal diagnostic testing (AIA, Appendix 1, §1.2). The true impact on retained trees is therefore likely to be understated.

3. The proposal will remove half of the site's only Critically Endangered Ecological Community.
The BDAR confirms that Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion, listed as a Critically Endangered Ecological Community (CEEC) under the NSW Biodiversity Conservation Act 2016, occurs on the site as Plant Community Type (PCT) 3262, with a total extent of 0.12 hectares. The development footprint will directly remove 0.06 hectares, exactly half of this community's total extent on the site (BDAR §6.1, Table 23; §3.2.3, Table 6).

The BDAR's own Serious and Irreversible Impact (SAII) screening identifies this TEC as at risk of an SAII, the most severe impact category recognised under the Biodiversity Assessment Method, under both Principle 1 (contributes to further decline of a community already in rapid decline) and Principle 2 (further reduces a community with a very small population size) (BDAR §8.1). A further 0.21 hectares of native vegetation associated with PCT 3592 (Sydney Coastal Enriched Sandstone Forest) and PCT 3595 (Sydney Coastal Sandstone Gully Forest) will also be cleared, including patches in high condition with a vegetation integrity score of up to 62.4 (BDAR Table 23).

A Critically Endangered Ecological Community cannot be recreated. Removing half of the only remnant of this community on the site is a serious and effectively irreversible loss to the local and regional network of this vegetation type, which the BDAR itself notes is already highly fragmented in this landscape (native vegetation cover in the surrounding 1500m buffer is only 19%, BDAR §2.1.1).

4. Threatened species habitat loss, including for a Critically Endangered species, has not been adequately tested.
The subject land contains mapped Important Habitat (foraging habitat) for the Swift Parrot (Lathamus discolor) listed as Endangered under the NSW BC Act and Critically Endangered under the Commonwealth EPBC Act. The proposal will directly remove 0.03 hectares of this mapped habitat (BDAR §6.1, Table 24; §2.1.9).

As with the TEC, the BDAR's own screening identifies Swift Parrot as at risk of a Serious and Irreversible Impact under Principle 1 (BDAR §8.1). Despite this, the accompanying Significant Impact Criteria (SIC) assessment concludes that a significant impact under the EPBC Act is not likely, meaning no referral to the Commonwealth Minister for the Environment is proposed (BDAR Summary, p.ix; §SIC Appendix). Given that Swift Parrot is one of Australia's most critically threatened migratory species, with a rapidly declining population we submit that the Department should require independent peer review of this conclusion rather than rely solely on the proponent's own assessment.

The BDAR further records that nine hollow-bearing trees exist within the wider subject land, potential breeding resources for threatened cockatoos, owls, microbats and small marsupials, and states that none fall within the development footprint (BDAR §6.1.1, Table 19). However, this finding relies on a ground-level assessment methodology and given the scale of vegetation removal and root zone encroachment across the site, we submit this should be independently verified, including aerial/internal inspection, before the application is determined.

5. The biodiversity offset generated is disproportionately small relative to the scale of loss.
Because total native vegetation clearing on the site falls under 1 hectare, the BDAR was prepared using the Biodiversity Assessment Method's Small Area Assessment Module (SAAM) — a streamlined pathway with reduced assessment requirements compared to a standard BAM assessment (BDAR Summary, p.viii; §4.2). Under this pathway, the total offset obligation generated for the entire project is:

- 1 ecosystem credit for direct impacts to the Critically Endangered TEC (0.06 ha).
- 4 ecosystem credits for direct impacts to 0.21 ha of native vegetation (PCT 3592/3595).
- 1 species credit for impacts to 0.03 ha of Swift Parrot habitat.

Source: BDAR §9.1, Table 28 and Table 29; §10.

Six biodiversity credits is a strikingly small offset obligation for a project that removes 366 trees, half of the site's only Critically Endangered Ecological Community, and habitat for a Critically Endangered migratory bird species. We submit that the use of the streamlined small-area pathway, triggered only because the native vegetation clearing threshold happens to fall just under 1 hectare, has produced an outcome that does not reflect the real ecological value being lost, and that a full BAM assessment (or independent audit of this BDAR) should be required given the presence of a CEEC and a species at risk of Serious and Irreversible Impact.

We also note that replacement tree planting is proposed as advanced nursery stock (≥ 75L pots per AS 2303–2015, AIA §3.6.1). Even mature nursery stock takes decades to develop the canopy volume, structural complexity and hollow-forming capacity of the mature trees being removed, several of which have useful life expectancies in excess of 40 years. Replacement planting is not a like-for-like substitute for the habitat and biodiversity being lost within any timeframe relevant to the species that depend on it.

Conclusion and recommendations
For the reasons set out above, SSD-88004956 should not be approved in its current form. The Proponent's own reports demonstrate that:

- 59% of trees on the site are proposed for removal, including 63 trees rated by the Applicant's own arborist as worth retaining;
- 65 retained trees face moderate-to-major root zone encroachment with no finalised Tree Protection Plan yet in place;
- Half of the site's only Critically Endangered Ecological Community will be destroyed;
- Habitat for a Critically Endangered migratory species (Swift Parrot) will be removed, with both the TEC and the species independently flagged by the Applicant's consultant as at risk of a Serious and Irreversible Impact; and
- The biodiversity offset obligation generated (six credits) does not appear proportionate to this scale of loss.

FOKE recommends that the DPHI should:

- Refuse the application, or require the design to be substantially revised to further avoid removal of Priority for Retention and Consider for Retention trees, and to avoid clearing of the Critically Endangered Ecological Community and mapped Swift Parrot habitat;
- Require independent peer review of the BDAR's SAII, SIC and Swift Parrot conclusions, and of the appropriateness of using the Small Area Assessment Module given the presence of a CEEC and a Serious and Irreversible Impact risk;
- Require a finalised, publicly available Tree Protection Plan for all 254 trees proposed for retention before determination, not deferred to the Construction Certificate stage; and
- Require independent verification (including aerial/internal inspection) of hollow-bearing tree and fauna habitat records before determination.

Heritage

The Lourdes Retirement Village is surrounded by the C22 Crown Blocks Heritage Conservation Area (HCA) and heritage items. The only area not included in the HCA listing is the northern side of Stanhope Road directly opposite Lourdes.

The Crown Blocks HCA C22 is characterised by low density Inter-War and Federation residential development in landscaped garden settings containing local indigenous and exotic vegetation species. Apart from the Crown Blocks HCA, Lourdes is surrounded by public parks which are listed as heritage items including Seven Little Australians Park heritage item I1100, Swain Gardens heritage item I1103, and Lindfield Soldiers Memorial Park, heritage item I1099.

The Crown Blocks HCA (C22) is described:

The Crown Blocks Conservation Area has historic significance as Crown Blocks which sold in the1890s whose boundaries are evident through the following streets: Tryon Road, Nelson Road and the boundary of original large lots. The area has historic significance for the further subdivision of Crown Blocks as Mackenzie Estate in 1907, Lightcliff Avenue and Slade Avenue in 1916 and Belhelvie Estate in 1919. 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.

Headfort House sits within the Crown Blocks HCA within the Lourdes Retirement Village at 95-97 Stanhope Road Killara. Headfort House is a historic two-storey interwar building that served as a boys' school, Australia's first army training base for women, and a hospital. Built between 1917 and 1921, the site became part of the Lourdes Retirement Village and was officially local heritage-listed in January 2023. The Levande SSDA proposes to adaptively re-use Headfort House including conservation works, along with modernised alterations and additions to facilitate the proposed café, whilst maintaining the current use of the Chapel.

The SSDA proposal supports a surrounding built form that will have an **unacceptable impact** on the setting of Headfort House within the site, the adjoining Crown Blocks HCA and the heritage listed parks mention above that are within the vicinity of Lourdes. The SSDA proposal has no appropriate relationship to its significant context that is currently characterised by 1-2 storey low density residences, indigenous and exotic planted gardens, historic parks and CEEC protected bushland.

The density, bulk, height and depth of the proposed built forms up to 9 buildings up to 5 storeys projecting above the existing tree canopy, with little division between building forms for open space or deep vegetation over the two consolidated excavated 4.2 and 8.5m maximum deep car parking levels.

The Beam report states: *Due to the significant slope of the site, excavation depths vary throughout the development. The main basement located beneath Building A, B, C, D, E, F and H will be constructed at a RL102.3m (Lower Ground 1), and RL98.5m (Lower Ground 2). Due to the sloping nature of the site, the*

proposed basement will require excavation to a maximum depth of about 8.5m. Furthermore, the secondary single storey basement sitting beneath Buildings I and J will be constructed at RL101.35m. Due to the sloping nature of the site, the proposed basement will require excavation to a maximum depth of about 4.2m.

The proposed density from 0.3:1 to 0.48:1 will not only increase the bulk of the built form across the site. The proposed development will be visible from neighbours, local parks and public spaces, be visible from the distance from local parks and walking tracks in Seven Little Australian Park.

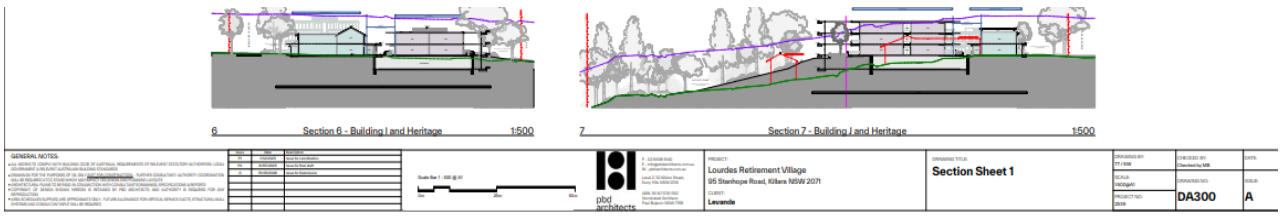
According to the Urbis heritage assessment, the proposed SSD-8804956 redevelopment seeks to conserve the high-significance Interwar Arts and Crafts fabric of Headfort House by removing modern additions, restoring key facade elements, and converting internal spaces for community use. The plan proposes to establish a 12-metre curtilage buffer to protect the structure from surrounding new development, while retaining the main northern entry and relocating the historic grotto within a dedicated landscaped loop.

While the Urbis European Heritage Impact Statement (HIS) concludes that the SSD-8804956 master plan delivers a net positive heritage outcome, the report— identifies several distinct elements that could be considered to negatively impact, crowd, or devalue the overall heritage significance of Headfort House and surrounding Heritage Conservation Area - Crown Blocks - (C22) and heritage items.

We have concerns that there will **not** be a net positive outcome for Headfort House with the proposed changes both externally and internally and particularly with the excavation and concrete construction of 4.2-metre-deep car parking basement adjacent to the curtilage of Headfort House for Buildings I and J. The 4.2m excavation could not only impact the heritage house structurally but also impact the water table which could impact Headfort House foundations.

JG Geotechnics groundwater report states:
We expect groundwater inflows into the smaller basement excavation (i.e. below Buildings I & J) once it progressed below RL102.6m. In order to achieve BEL, the groundwater within each excavation will need to be progressively pumped out, treated and disposed of into the stormwater system once approval has been obtained. Groundwater inflows into the proposed excavations are expected to occur as local seepage flows above the soil/bedrock interface, and through joints and bedding partings within the bedrock profile. Any concentrated leakage from the sandstone cut faces, emanating from these joints and bedding partings, can be rectified by dental rock grouting by a specialist contractor. Pump out rates will be varied to maintain the proposed excavations in a 'dry' condition.

We refer to the JG Geotechnics Appendix HH Dewatering Management Plan - Part 3 and the PBD architectural drawings Section Sheet 1, *Section 6 Building I and Heritage* and *Section 7 Building J and Heritage (*copied below*)* which clearly shows the consolidated 4.2-metre-deep excavated car parking abasement proposes to breach the 12-metre curtilage and potential structure of Headfort House on its western curtilage and the southwestern curtilage.



We also refer to Page 23, 5.3.2 *Potential Vibration Risks* to Headfort House from ground vibrations which states:

As discussed in Section 5.2.2, excavation using rock hammers will need to be strictly controlled as there may be direct transmission of ground vibrations to the neighbouring structures and to Headfort House. If it is found that the transmitted vibrations are excessive, then it would be necessary to change to alternative rock excavation methods such as a tighter grid of rock saw slots and/or a smaller rock hammer.

There is clear concern of potential vibration risks and groundwater damage to Headfort House's structure from the proposed 4.2m basement excavation within the 12m heritage curtilage.

When viewing the architectural changes critically, the primary elements posing a threat to its heritage value include:

1. Visual Domination by Massing and Height

- The Scale Disparity: The proposal introduces 9 multi-storey residential flat buildings stepping from **2 to 5 storeys** immediately adjacent to the heritage boundary which indicates this significant shift in scale visually dominates and overshadows the fine-grained, two-storey domestic proportions of the original Interwar Arts and Crafts house.

- Encroachment into Airspace and Vistas: While a 12-metre ground-level curtilage buffer is proposed to be preserved, critics may argue that the vertical envelopes of the surrounding high density buildings compete with the house's historic roofline and break the visual airspace that allows Headfort House to stand out as a local landmark. While this ground-level buffer prohibits structural encroachment, concerns remain regarding vertical encroachment from surrounding 2-5 storey developments.

2. Loss of Contextual Landscape and "Over-Clearing"

- Destruction of the Original Garden Setting: The transition from a low-density, sprawling retirement village to dense residential flat blocks necessitates the extensive clearing of the landscape. The loss of the broader, historic garden setting and established trees to make way for new structural footprints alters the historic context of how the house sat within its grounds.

- Dismantling of the Historic Grotto: While the physical reconstruction of the stone religious grotto is framed as a conservation measure, standard heritage principles state that **dismantling and relocating an asset diminishes its historical integrity**. Moving it away from its original location detaches the structure from its exact mid-century context.

3. Compromises of the 12-Metre Curtilage Limit

- Absence of Historical Boundaries: The proposed 12-metre setback is a **minimum regulatory compromise** rather than a true historical boundary protection.

- Infringement of Service Infrastructure: To accommodate the high number of units in the SSD plans, basement parking excavation, access ramps, and underground services cut heavily into the fringes of the curtilage. This introduces highly contemporary, uncharacteristic hardscapes right up to the edge of the historic house's setting.

4. Excessive Internal Alterations for Commercial Use

- Loss of Domestic Fabric: Adapting the internal residential layouts into a sprawling, compliance-heavy commercial community centre requires structural modifications. Introducing modern fire doors, accessibility ramps, utility lines, and acoustic partitioning risks compromising original room layouts, plasterwork, and the authentic domestic feel of the building's Interwar interior.

  While the chapel wing's envelope and interior volume are retained, the western link block will be demolished and replaced with a glazed connection to the original 1920s structure, according to the report.

Conclusion

We reiterate The SSDA proposal supports a surrounding built form that will have an **unacceptable impact** on the setting of Headfort House within the site, the adjoining Crown Blocks HCA and the heritage listed parks mention above that are within the vicinity of Lourdes. The SSDA proposal has no appropriate relationship to its significant context that is currently characterised by 1-2 storey low density residences, indigenous and exotic planted gardens, historic parks and CEEC protected bushland.

Transport and Traffic

Lourdes Retirement Village 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 site's distance from rail stations (1.3 km–1.8 km) exceeds comfortable walking distances for seniors.

We understand that the bus service operates from 6am to 8.30 pm on weekdays and runs at lower frequencies on weekends. There are 30-minute intervals during the AM and PM peak times and 1 hour intervals outside peak times. The frequencies being even lower on weekends, therefore the Route 556 bus services is currently not attractive as a mode of travel for residents, employees or visitors on weekdays or weekends. We understand it is on a rare occasion that a current resident may use the public bus service for transport to the station.

We strongly dispute JMT's conclusion that "The *site is well serviced by public transport, with a publicly operated bus providing both services directly into the village and also within 150m of the site."*

Whilst there has been a provision for an onsite shuttle bus service in the past there is no mechanism to mandate private services for residents. In fact, the old minibus seems to be rarely used due to so few residents living on site and sits in a garage. A golf cart is currently used to transport residents within the village.

Currently there are **108** Independent Living Units (ILUs) onsite (1 and 2-bedroom units), with the provision **64** serviced apartments (**which have not occupied for the last 4 years**) and an **83** bed Residential Care Facility (RCF) There are **3** car parking spaces for RCF staff, visitors or medical staff who visit the facility adjacent to the entrance of the facility.

The JMT 24 September 2025 traffic assessment is based on the proposed development of new 145 Independent Living Units (ILUs) made up of 76 x 2-bedroom units and 76 car spaces (1.0 car space per unit) and 69 x 3-bedroom units and 104 car spaces (1.5 car space per unit) 23 visitor spaces and 6 staff and some car spaces which are proposed for the 1-2 level consolidated 318 car park space basement.

The JMT Consultancy Traffic Assessment does not appear to specifically allocate/nominate any car parking spaces (for nursing, medical or other health professional staff, relatives or visitors) for the 83 bed Residential Care Facility (RCF) operated currently by Killara Glade Care Community, which will undergo a range of upgrades and alterations works ready for Torrens Title subdivision to legally separate the Levande proposed new development of 145 ILUs, Headfort House and chapel, community buildings and Asset Protection Zone (APZ) from the RCF.

The existing Stanhope Road catchment area has an effective total of approximately 256 dwellings exceeding the recommended maximum 50 dwellings for one exit road (Stanhope Road) by 280 dwellings.

The proposed new plans will still provide for a Residential Care Facility for 83 persons and 145 Independent Living Units and 318 car spaces. The new residential building or renovated facilities aged care facilities will be occupied by vulnerable elderly residents and those with dementia 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 there is a wildfire emergency and an evacuation of the site is required.

Multi-storey seniors' developments adjacent to Category 1 BAL40-FZ vegetation face intense, prolonged smoke logging. Frail aged care residents, particularly those with pre-existing respiratory or cardiovascular conditions, cannot survive the heavy particulate matter and carbon monoxide intrusion, even if the building structure remains intact.

Mechanical ventilation systems, lifts, and automated internal systems frequently fail during catastrophic bushfires due to grid power loss. Expecting staff to manually manage multi-storey vertical air locks and protect bed-bound residents while relying entirely on backup diesel generators is an unacceptable operational risk.

We have not been provided with any estimated number of the expected resident population which we estimate could potentially result in a population of 400+ people, staff and workers and the resultant daily vehicle use the proposal will generate and how many residents will need to be evacuated in the case of a wildfire emergency.

The information on the likely number of cars that are likely to leave the site triggered in a major bushfire evacuation event – which is estimated by JMT as resulting in only and additional **170** vehicle movements in a single direction on Stanhope Road. We question the JMT figures as the site is proposing to provide a total of

318 residential, staff and visitor car spaces which in an evacuation of the site, would likely see all if not the majority of the resident, staff and workers cars needing to leave the site along with a significant number of neighbour's cars in Stanhope Road.

Living in the area and knowing the local road network well, we do not believe the local road network would be able accommodate the anticipated traffic movements in an emergency fire event of evacuating a vulnerable elderly population of approximately **400+** aged or infirm residents safely. Along with neighbour's cars could amount to several hundred vehicles attempting to leave the area together.

The JMT Traffic Report does not estimate the time and capacity for evacuation or the traffic flow impacts of all proposed access points and driveways in Stanhope Road.

Failure of Cumulative Evacuation Capacity and the Stanhope Road Bottleneck.

- Inseparable Demographic Risk Profile: Although Levande intends a Torrens title subdivision to legally separate the independent living units (ILUs) from the residential aged care facility (nursing home), a bushfire does not respect property boundaries. High-dependency nursing home patients and vulnerable apartment residents will compete simultaneously for the exact same evacuation windows, staff assistance, and emergency vehicles.
- Single Trapped Cul-de-sac: Stanhope Road is a narrow, heavily canopy-covered local road serving as the sole vehicular entry and exit point for the entire valley. The addition of high-density luxury apartments significantly increases the local population and vehicle count.
- Gridlock and Emergency Service Confrontation: In a catastrophic bushfire scenario, smoke, panic, and abandoned vehicles will instantly gridlock Stanhope Road. Standard evacuation modelling fails to address the logistical reality that while hundreds of resident vehicles are trying to exit up Stanhope Road, Emergency Services (NSW Rural Fire Service and Fire and Rescue NSW) heavy tankers will be trying to push down the same narrow road, causing total paralysis.

Geotechnical, Hydological Assessment and Stormwater Management

The Geotechnical and Hydrogeological Report supplies the subsurface, groundwater, excavation, and retention parameters that the Stormwater Management Plan's surface drainage, detention, grading, and construction-phase controls must accommodate. The main practical interactions are (1) basement seepage volumes that will enter the stormwater system, (2) earthworks and retention that must preserve the function of the existing detention basins and overland paths, and (3) coordinated sediment/groundwater management to protect neighbours and the downstream Gordon Creek / Garigal National Park corridor. At detailed design the two sets of recommendations should be explicitly cross-checked and the Stormwater modelling updated if final excavation levels, retention details, or measured seepage rates differ from the assumptions used in the SSDA reports.

Neither the Stormwater Management Plan (Appendix O) nor the Geotechnical and Hydrogeological Assessment (Appendix P) explicitly assesses or quantifies impacts on Garigal National Park. Both treat the park only indirectly via the site's southern/eastern bushland interface and discharge toward Gordon Creek (which flows into the Middle Harbour system that includes sections of Garigal National Park). The reports therefore leave several negative environmental risks for the park's sensitive bushland, creek systems, and any threatened ecological communities or species under-addressed. Neither report identifies or maps Critically Endangered Ecological Communities (CEECs), threatened flora/fauna, or Aboriginal cultural sites that may occur in the Gordon Creek / Middle Harbour sections of Garigal National Park and could be affected by altered flows or water quality. The absence of an explicit "receiving-environment impact assessment" for the National park means residual risks to its biodiversity values are not quantified or mitigated beyond standard on-site controls.

The main possible downsides and impacts for the adjacent Garigal National Park and Gordon Creek from the analysis of the Geotechnical, Hydological Assessment and Stormwater Management reports regarding the proposed development are:

1. More water rushing into the creek after big storms
The stormwater plan accepts that in a major flood (that happens roughly once every 100 years), about 7% more water will flow off the site into Gordon Creek than before the redevelopment. That extra rush of water can wear away the creek banks and sandstone inside the park, knock plants around, and wash extra dirt and stones further downstream.

2. Dirt and mud during building work
While the site is being dug up and rebuilt, rain can wash soil and mud into the creek if the temporary fences and traps don't work perfectly. Cloudy, muddy water can smother plants and small animals in the creek and make the water less healthy for the park's bushland**.**

3. Possible long-term pollution if the filters stop working
The plan includes special gardens and filters that clean the water before it leaves the site. These are expected to work well, but if they are not looked after over the years, dirt, nutrients (from fertiliser or leaves), and litter can still reach the creek. Extra nutrients can encourage weeds and algae, which push out native plants and animals in the park.

4. Changes to underground water
Deep basements will need to be dug, and water that naturally sits in the rock may be pumped out or drained away. Some of the park's trees and plants near the boundary may rely on that underground water. Lowering it could stress them, especially in dry periods.

5. Disturbance right next to the bush
Heavy digging, vibration from machines, and clearing for fire safety will happen right beside the bushland that joins the national park. This can damage tree roots, create weedy edges, and make it easier for pests or fire to affect the park.

The reports show the proponent has plans to control most of the water and dirt, and the extra water in big storms is not huge. But the reports never properly checked what those changes would do to Gordon Creek and Garigal National Park itself. There is still a real chance of extra erosion, muddier water during construction, and long-term stress on the park's plants and creek if the systems are not maintained or if underground water levels drop.

Dewatering Management Plan- Excavation
The dewatering approach may look effective on paper because the expected volumes of groundwater are proposed to be small and the proposed controls (pumps, monitoring, approvals) are standard and appropriate. However, effectiveness will only be proven once a full, detailed Dewatering Management Plan (DMP) is written, approved by the water authorities, and properly followed on site. Until that final plan exists and is implemented, the current recommendations are a solid starting point but not yet a complete or guaranteed solution. The Geotech report only sets out what the DMP 'must' contain.

Detailed DMP to consider:

- The actual plan (exact pump sizes, discharge rates, contingency triggers, quality-treatment details, real-time reporting, etc.) still must be written and approved.
- The monitoring period was relatively short. 3½ months is useful but may not fully capture multi-year wet/dry cycles. Extra contingency in the final DMP is therefore important.
- The pumped water will enter the same southern stormwater network that goes to Gordon Creek. The Stormwater Management Plan does not yet explicitly account for this extra seepage volume in its water-balance or peak-flow modelling.
- Temporary higher inflows during excavation (especially after heavy rain) will need careful management. The report flags the need for rock grouting if concentrated seepage appears, but success depends on the contractor following the recommendations closely.
- Groundwater quality testing has been done by JK Environments, but the final DMP must confirm that any treatment (if needed) meets the requirements of the receiving stormwater authority before discharge.

Royal Commission into National Natural Disaster Arrangements 2020

The Royal Commission into National Natural Disaster Arrangements (2020) provides strong principles for why SSD-88004956 Lourdes Retirement Village should be rejected.

The Royal Commission into National Natural Disaster Arrangements was established on 20 February 2020 in response to the unprecedented catastrophic 2019-2020 wildfires which resulted in the devastating loss of life, property and wildlife across the nation. Yet SSD-88004956 Lourdes Retirement Village proposal seems to be oblivious to the principles underlying this report.

The Royal Commission's **Recommendation 4.5 – National climate projections** require the NSW Government to produce climate projections "to inform the assessment of **future natural disaster risk** by relevant decision makers, including state and territory government agencies with planning and emergency management responsibilities."

SSD-88004956 fails to consider how climate change will increase bushfire intensity and frequency over the lifetime of the development, particularly given that the development accommodates the most vulnerable members of the community - elderly residents.

It is very concerning regarding the escalation of the climate disasters around the world including extreme summer temperatures in Europe, raging wildfires across France, Spain and Canada and an estimated 27,600 deaths in Europe relating to heat stress.

Antonio Guterres, United Nations Secretary-General has recently stated "climate chaos is accelerating before our eyes" (Secretary-General's special address at London Climate Action Week, 23 July 2026).

This has serious implications for Australia's future – particularly knowing the seriousness of the Black Summer bushfires of 2019-2020. It is also feared that the current strong El Niño event, predicted for 2026-2027 will fuel devastating catastrophic wildfires in Australia.

Failure to assess the Cumulative Bushfire Hazards and Evacuation Vulnerabilities of concurrent bushfires occurring surrounding Lourdes Retirement Village.

Lourdes Retirement Village is one of the most high-risk, bushfire-prone zones in Sydney, yet the current proposal fails to account for the catastrophic risks posed by simultaneous bushfires burning across neighbouring localities at East Killara and East Lindfield.

The proposal overlooks several critical compound threats:

- **Stretched Emergency Resources:** Simultaneous bushfires across multiple fire fronts in Ku-ring-gai would severely overextend local firefighting appliances and personnel, reducing emergency response capabilities at Lourdes Retirement Village.
- **Traffic Gridlock and Impaired Evacuation:** Mass evacuations originating concurrently from East Killara and East Lindfield would overwhelm the local road network. This compound traffic gridlock would severely restrict emergency access and delay or block safe evacuation routes for village residents.
- **Fatal Smoke and Radiant Heat Exposure:** Dense smoke blanket conditions and extreme radiant heat represent immediate, life-threatening hazards to the elderly, infirm, and mobility-impaired residents of the facility, as well as to emergency service personnel attempting rescue operations.

The failure to assess cumulative, co-occurring wildfire hazards across the broader region surrounding Lourdes Retirement Village leaves a dangerous void in the proposal's risk analysis. Unmitigated, these combined impacts pose an unacceptable and catastrophic risk to human life.

Avoid putting vulnerable people in hazardous locations

The 2020 Royal Commission into National Natural Disaster Arrangements' Recommendations 12.1 require realistic, dynamic evacuation planning and secure access for emergency vehicles. The SSD-88004956 Lourdes Retirement Village proposal fails to meet these standards due to unrealistic, best-case modelling, traffic-induced roadblocks, and insufficient evacuation plans for vulnerable residents.

The implementation of this Royal Commission recommendation is the responsibility of the Australian Government and all state and territory governments, including the NSW Government.

Given the increasing frequency and severity of climate change-driven natural hazards, and the proposal to accommodate a large number of elderly residents who may have limited mobility and require assisted evacuation, FOKE calls for SSD-88004956 to be rejected.

Summary

The proposal should be rejected because it is inconsistent with the principles established by the Royal Commission.

The application fails to adequately address climate change, bushfire disaster risk and emergency preparedness, all of which were identified as fundamental considerations by the Royal Commission into National Natural Disaster Arrangements. The NSW Government must abide to the principles and recommendations it endorsed by rejecting SSD-88004956.

The Department must give significant weight to the unfinished implementation of the Royal Commission's recommendations.

SSD-88009456 Submission Conclusion and Request

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.

The financial drive to maximise investor profits by packing high-end high-density luxury apartments into a severe Category 1 bushfire flame zone must not override basic human safety and local planning frameworks. The proponent has failed to demonstrate a realistic, safely drillable, and independently verified evacuation plan that accounts for the combined vulnerabilities of both with multi storey seniors housing expansion and the existing nursing home.

The climate is changing. In the past decade Australia has experienced increased levels of bushfire frequency, unpredictability, and longer lasting and intense fire seasons in Australia. Climate change has not been considered in the bushfire risk analyses.

The culmination of the 2026 Royal Commission final review due Q3 2026 and the NSW Natural Hazards Policy updates creates an incredibly hostile regulatory environment for any aged care facility and seniors housing interfacing with Garigal National Park.

Because Garigal National Park features continuous, steep, and dense sandstone gully vegetation, it represents the highest possible fuel load configuration in the state. For facilities sitting anywhere from BAL-29 up to the BAL-40/Flame Zone (BAL-FZ) interface next to this specific park, the new 2026 controls impose strict, non-negotiable hurdles.

We urge the Department of Planning, Housing and Infrastructure (DPHI) to reject SSD-88004956 and the associated Clause 4.6 variation in its entirety. Any future redevelopment of this site must be strictly capped at

a low-density, low-occupancy scale that matches the physical evacuation capacity of the existing local road infrastructure and preserves the critically endangered Ku-ring-gai urban canopy, endangered fauna and heritage character.

We conclude in registering our strongest formal objection to the proposed $247 million redevelopment of Lourdes Retirement Village in Killara. While we acknowledge the Levande's attempts to modify the site layout, the fundamental reality remains unchanged: this proposal places a highly vulnerable, multi-storey seniors' housing development directly inside a high-risk Category 1 Bushfire BAL40-FZ (Flame Zone) interface.

The conditional support offered by the NSW Rural Fire Service (RFS) relies on technical, performance-based engineering workarounds that fail to account for real-world human behaviour, medical vulnerabilities, and severe local infrastructure bottlenecks.

We urge the Department of Planning to reject this application based on the critical safety failures detailed below.

1. Inappropriateness of "Defend-in-Situ" / "Shelter-in-Place" Strategy for a Vulnerable Demographic
The RFS's conditional position assumes the proposed 2-to-5 storey buildings can act as a "fire bunker" while a bushfire front passes. While concrete facades may survive a fire, the internal environment poses an immediate threat to life. Multi-storey seniors' developments adjacent to high-fuel vegetation face intense, prolonged smoke logging. Frail aged care residents—many with severe respiratory or cardiovascular conditions—cannot survive heavy particulate and carbon monoxide intrusion. Furthermore, relying on staff to manage complex vertical airlocks, fire doors, and mechanical ventilation systems while grid power is lost and backup diesel generators are running under extreme heat is an unacceptable operational risk. A building solution on paper does not equate to human safety in a live crisis.

2. Inadequate Evacuation Infrastructure and Road Network Constraints
Lourdes Village is located at the terminus of Stanhope Road, a narrow, winding, dead-end street directly abutting the dense bushland of Garigal National Park. There is zero alternative egress. In a sudden bushfire event, emergency vehicles rushing in will face immediate, catastrophic gridlock with staff, private vehicles, and transport vans trying to flee. Evacuating a modern residential aged care facility requires specialised non-emergency transport vehicles and ambulances to move non-ambulatory and bed-bound patients. These heavy vehicles cannot safely manoeuvre or turn around on a narrow road blocked by RFS tankers. If Stanhope Road becomes blocked by fallen timber or intense radiant heat, hundreds of vulnerable citizens will be trapped in a known high-risk pocket.

The Department must also fully consider this proposal also from a community's perspective – for it is the community who will ultimately bear the tragic consequence of loss of life if this proposal proceeds.

The Department of Planning must recognize that a SSDA "performance-based building solution" on paper does not equate to human safety in reality. Relying on concrete, bricks and glass to protect vulnerable or non-ambulatory citizens feet away from a roaring Flame Zone is an abdication of the state's duty of care.

The Department of Planning has a strict duty of care that supersedes a developer's ability to tick minimum SSDA regulatory boxes on paper. The "Shelter-in-Place" model is entirely inappropriate for vulnerable citizens at the end of a dead-end road next to a National Park. We strongly request that the Department prioritise human life over SSDA development yield and reject this State Significant Development Application in its current form.

Thank you for considering this submission. We would welcome the opportunity to be kept informed of the progress of this application and to be notified of any public hearing or further exhibition.

Yours faithfully
Kathy Cowley
Kathy Cowley
PRESIDENT
cc Mayor and Councillors Ku-ring-gai Council
cc Matt Cross MP Member for Davidson
cc The Hon Alister Henskens SC MP Member for Wahroonga
cc Nicolette Boele MP Member for Bradfield
cc The Hon Jihad Dib MP Minister for Emergency Services

cc The Hon Chris Rath MLC Shadow Minister for Planning and Public Spaces
cc Tanya Thompson MP Shadow Minister for Emergency Services