

27 October 2022

Mr. Daniel Miliken  
A/Manager, Development Assessment Team  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Via email: [kye.miles@northernbeaches.nsw.gov.au](mailto:kye.miles@northernbeaches.nsw.gov.au)

Dear Mr Miliken,

**RE: Coordination of Technical Responses – Front Landscaping  
Modification Application Mod2022/0289, 181 Forest Way, Belrose.**

This letter is written on behalf of Regis Aged Care (Regis), as the owners of 181 Forest Way, Belrose (the site). Regis acquired the site with a court approval in place and are seeking to make minor amendments to the approved plans in order to better-align with their service model and operational requirements. This letter follows discussions with Council officers regarding referral responses on front landscaping, and seeks to respond to the concerns raised as part of the assessment of Mod2022/0289. It should be read in connection with the following documents:

- **Attachment A:** Landscape Referral Response Dated 6 October 2022.
- **Attachment B:** Site plan, Revision Q, by Morrison Design Partnership
- **Attachment C:** Sections, Revision H, by Morrison Design Partnership

## Planning History

### **DA2018/1654**

On 22 October 2020, in the case of *Chiroseph Pty Ltd v Northern Beaches Council* (Appeal No. 2020/137970) the NSW Land and Environment Court (the Court) upheld an appeal in relation to DA2018/1654, by way of an agreement between parties for a new residential aged care facility (RACF) comprising 105 beds in 100 rooms over basement parking. Regis intend to construct and operate this development within the lifetime of the consent.

### **Mod2022/0289**

On 27 June 2022 a section 4.56 application was lodged to modify consent DA2018/1654. The modification is still under assessment and seeks changes to the approved plans to allow for minor refinement of internal layouts, back-of-house and parking facilities in the basement and the provision of 4 additional visitor car parks within the front setback. These modifications are proposed to meet Regis' model of care following their purchase of the site.

## Front Setback & Landscape Design

We note the landscape referral response to the submitted section 4.56 modification (**Attachment A**) and wish to provide the following points of additional justification insofar as they relate to the front setback:

### Visitor Experience

The amendments to the front setback landscaping are minor and include locating four additional visitor parking spaces (including one accessible space) adjacent to the four approved visitor parking spaces at ground level within the front setback (refer to **Figure 1** and **Figure 2**). It also allows for the provision of 3 new motorcycle parking spaces at ground level. It should be noted that the proposal overall will only provide a surplus of four car parking spaces (one of which is to be provided as accessible) which is considered to be minor in the context of the development for a Residential aged care facility comprising 105 beds.

The location of the four visitor parking spaces has been carefully considered to minimise the impact on landscaping, whilst reflecting the desired future operation of the site. The four spaces will be 1.8m below street level and screened by trees (as approved). Their location will ensure that fewer visitors will require access to the basement car park (thereby improving site security). Furthermore, reducing the number of visitors requiring access to the basement will make it easier to manage building access during health outbreaks such as influenza, covid, or gastroenteritis – as all visitors will have to report to the main reception where it is easier to impose controls.

It is envisioned that visitors will arrive at the site, pull into the porte cochere to drop off passengers and then proceed to a visitor parking space. Locating visitor parking spaces at ground level will allow for an improved visitor experience. We highlight that many visitors to such facilities are occasional, and often unfamiliar with such sites. Providing clear visitor spaces close to the entrance of the site will allow for improved wayfinding.

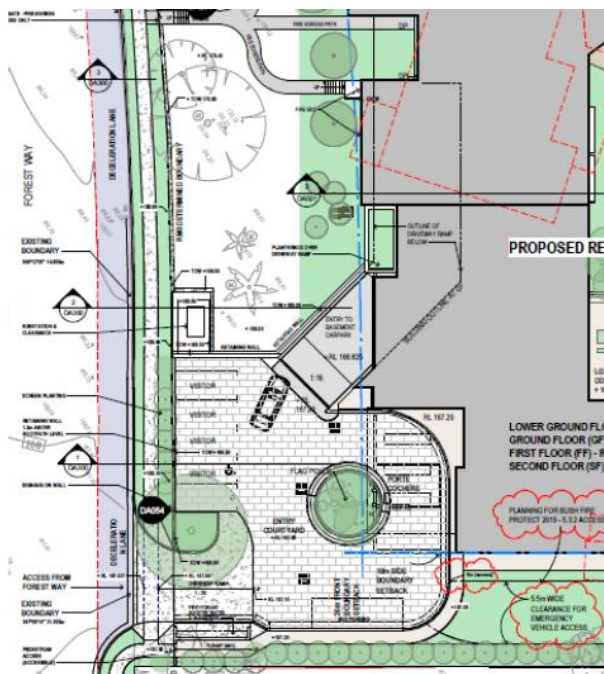


Figure 1 Approved front setback (Source: Morrison Design Partnership)

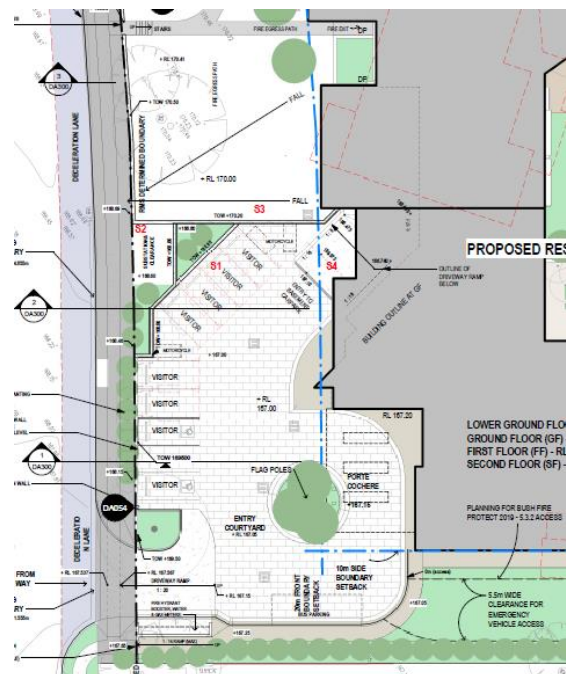


Figure 2 Proposed amended front setback (Source: Morrison Design Partnership)

## Conditions of the Court Consent

Several conditions of consent will prevent substantial landscape planting within the approved front setback - regardless of the location of the four visitor parking spaces. Relevant conditions include;

- Sydney Water pipeline (condition 1); and
- RMS conditions (condition 5(1) and 5(6))
- Bushfire Asset Protection Zones (condition 7)

These conditions require the inclusion of the deceleration lane and a Sydney water pipeline directly along the front of the site, both of which will prevent the retention of existing landscaping along Forest Way and will limit the extent of future landscape and screening opportunities in this location – particularly given that the level change from the street to the proposed visitor parking is 1.8m (as approved) as shown in **Figure 3** below.

Furthermore, the majority of the front setback is required by condition 7 (Compliance with Bushfire Consultants Recommendations) to be managed as Asset Protection Zone (APZ), Inner Protection Area (IPA). The recommendations in Appendix 5 of Planning for Bushfire Protection 2006 highlight that landscape within APZ's should include low cut lawn, should be raked and cleared of fuel, and confined to defined garden beds.

In view of the above, the location of the proposed additional parking spaces will be devoid of any substantial landscaping regardless of whether the additional parking is provided or not. The location of the proposed car parking spaces will assist with APZ management. The landscape treatment in the vicinity of the proposed parking spaces has been designed to optimise the balance between bushfire hazard management and landscape softening/screening fronting Forest Way.

Should Council see fit, the applicant is willing to consider the inclusion of a condition of consent requiring additional tree planting on the site, noting the constraints of the required Inner Protection Area. Furthermore no objection would be raised to additional offsetting planting in a more suitable alternative location that can offer more substantive landscape benefits.

## Landscape

The Court Judgement from *Chrioseph Pty Ltd v Northern Beaches Council* (Appeal No. 2020/137970) states:

*In respect of the front setback to Forest Way, I am satisfied on the basis of the drawings that the required setback is substantially complied with, and that the front setback is densely landscaped and that carparking is minimised.*

[Our emphasis added]

The proposal successfully minimises carparking as it only locates 8 of 49 spaces (16%) of spaces at ground level, and all of the spaces within the front setback are visitor parking. The remainder of car parking spaces are provided within the basement. The amendment provides significant amenity in terms of accessibility as it provides for 2 accessible spaces at ground level, close to the main entrance. The location of the four additional visitor parking spaces does not result in the removal of any significant landscaping given that the front setback is primarily APZ and must be managed as an IPA. Any landscaping to this area will therefore be limited. The opportunity for landscape planters has been retained as shown in plan.

Significantly, the approved front visitor parking level is 1.8m below street level, this level change increases further north with the natural slope of Forest Way. The level change, along with the location of the substation (and balustrade), and the approved tree screening

ensures that the four additional visitor spaces will be largely imperceptible from Forest Way. **Figure 3** below provides a section showing the level change through the additional 4 visitor spaces.

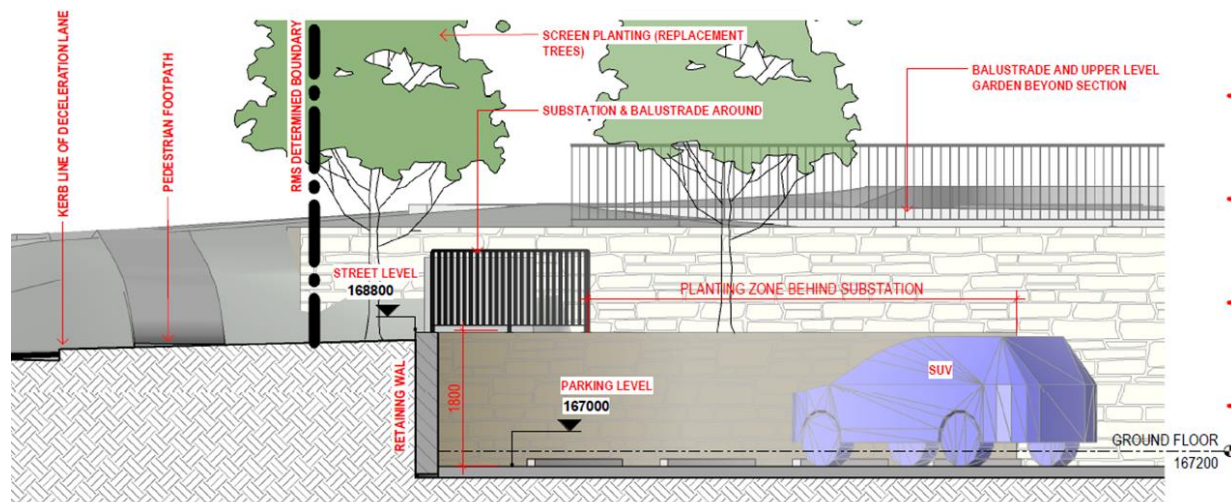


Figure 3 Section through proposed visitor parking spaces (Source: Morrison Design Partnership)

Should Council see fit, a condition of consent could be included to require the submission of an amended landscape plan (which reflects the amended site plan) to the satisfaction of Area Manager - prior to the issue of the relevant construction certificate.

### Impact on Amenity

The location of the visitor car parking will not result in any impact to residential amenity given that it would be sited close to the front-of-house and reception facilities – not residential rooms. Rather, it will facilitate additional visitor parking (including accessible parking) at ground level and close to the main entrance.

The vista towards the porte cochere – which will be of a high-quality design and appearance) will not be impacted, given the level changes, which will largely conceal parked vehicles.

### Conclusion

Given the circumstances of the site, the requirements of the conditions of consent, and the proposed use of the site, the proposed cl4.56 modification remains substantially the same as the Court determination. We submit that the proposed modification will enhance the amenity for future residents and visitors, whilst maintaining an appropriate landscaped setback.

We thank Council for the opportunity to provide further justification. In the event that any further clarifications are required, please do not hesitate to contact me on 0403 767 555. As mentioned we would be happy to meet to discuss the above matters.

Yours sincerely,

Gemma Bassett

Associate