

Design + Sustainability Advisory Panel Meeting Report – Date 02 February 2023

Item 2 - DA2022/1530 - 171 Forest Way BELROSE

PANEL COMMENT AND RECOMMENDATIONS

General

The proposal is substantially the same as the Pre-DA scheme presented to the Panel on 25 March 2021.

Since that time the applicant has had discussions with Council and government agencies. Minor changes to the front setback and access driveway have been made.

The Panel remains of the view that the development is not “**consistent with the desired future character described in the relevant Locality Statement**” that states: “**Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway**”.

The Panel is cognisant of the interpretation of the application of the Locality statement:

“But nothing in a description of desired future character creates a prohibition on the carrying out of development.”

It is not the Panel’s advice that NO development should or could occur, but rather that the current proposal has a very significant impact on the landscape qualities of the site, despite not exceeding the 0.5 FSR.

The Panel suggested that the applicant undertake:

“The preparation of alternative schemes that minimise the impact on the site and do not exceed the height limits or 0.5:1 FSR.”

This has not occurred and for this reason all previous comments and recommendations, with the exception of matters including bushfire and access to Forest Road that have been resolved, remain the advice of the Panel as follows and remain in this order of priority:

The advice and recommendations are hierarchical.

1 Overall massing and planning of the architecture and site

The arrangement of the buildings and the impact on the landscape qualities of the site.

2 Amenity and architectural quality

Comments and recommendations, relating to the internal amenity, outlook, noting that the overall planning may change significantly, and accordingly, the recommendations and comments may inform a revised design rather than the current proposal.

1 Strategic Issues

Permissibility vs Design Quality

It is not the role of the Panel to comment on the permissibility of the land use. However, in commenting on the ‘quality’ of the design, the Panel should and does consider the fit with the context, the site, and the desired future character of the area as well as the objectives of the planning controls.

In other words, the question of whether or not the land use is permissible can be separated from questions of whether the design, built form and arrangement of buildings achieve the planning objectives.

In the Panel’s view, development standards are formulated to ensure these objectives are met.

It follows that in considering design quality (as distinct from the justification for a cl4.6 application for example) the Panel expects a proposal to demonstrate how the planning objectives have been met if it does not comply with the development standards (irrespective of the permissibility of the land-use).

The objectives for the site are quite clear as expressed in the 'desired future character statement':

'Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridge tops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.'

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced.

Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours, and textures of the natural landscape will be strongly encouraged.

Panel comment:

Since the earlier proposal was presented to the Panel the adjacent property 169 Forest Way to the south ('Japara') has been built and shows very clearly the likely impact on the site, being complete removal of vegetation and obliteration of landscape features.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Panel comment:

There have been relatively minor adjustments to the front setback to retain and establish a 'bushland buffer.'

The Panel acknowledges the conclusion reached by the Land and Environment Court in relation to the 'Japara' development but does not agree with it.

74 Based on the agreed expert evidence before me, I am satisfied that the amended proposal represents a reasonable balance between providing needed seniors housing developments and providing a built form that does not have adverse impacts on the amenity of the adjoining properties and is compatible with the character of the area.

The Panel observes that the design for 169 Forest Way that was approved included the retention of many trees on the site that have since been removed as part of the development, or have died as a result of the changes to hydrology. To this extent 169 Forest Way does provide a precedent for what can be anticipated on the subject site.

The Panel does not consider the current proposal to be 'compatible with the character of the area', and more specifically does not consider it consistent with the desired future character.

2 Overall massing and planning of the architecture and site

The Panel recognises that the SEPP (Housing for Seniors or People with a Disability) establishes development standards, which if complied with may not provide the basis for refusal. However, this does not necessarily mean that other planning provisions unrelated to these should not be complied with. There is no inferred 'right' to develop.

The proposal involves significant disturbance of the site, removal of mature trees, and deep excavation. This will change the hydrology and the arrangement of the built form that includes high level walkways that are required to achieve access on the very steep topography will overshadow those parts of the site that remain deep soil. Additionally, the impacts of the construction process itself cannot be overlooked; the impact of construction will extend well beyond the southern edge of the access road and the building

footprints. Additionally, it is unlikely that the trees along the southern boundary would survive the re-grading of the landform in the short term or impacts on the root zone in the long term.

Taking all of these factors together the proposal is not consistent with the Desired Future Character of the B2 Locality that all development should be 'low impact'.

The proposal needs to show how the proposal will **minimise** disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services.

The Panel notes the inclusion of the interpretation of 'intensity' and 'impact' in the SEE:

Vigor Master P/L v Warringah Council [NSWLEC 1128] where Hussey C. gave weight to the evidence of Council which sought to give meaning and understanding to the term "intensity" and "Impact". In this regard, the following characterisations were adopted:

"Intensity: is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore, "low intensity" would constitute a development which has a low level of activities associated with it."

"Impact: is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore 'low impact' would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality."

In terms of 'intensity' the proposal is unarguably a significant increase in intensity of activity on the site, and the impact on the site is not minimal, minor or negligible, as shown in the table below.

	Current	Proposed	Increase factor
Households	1	35	35
Bedrooms	4 (2 in most recent configuration)	94	23.5- 30
Car spaces internal	2	42	21
External parking	2	26	13
GFA (sqm)	300sqm approx.	5,399	18

The Panel reiterates that it understands that the proposal is permissible, but remains of the view that the impacts of the proposed design are not consistent with the desired future character and considers the adjoining development a 'precedent' only to the extent of demonstrating the likely impact on the subject site.

Recommendations

1. Explore alternative build forms and site planning arrangements to minimize the impact on the site as previously recommended

3 Height

The proposal exceeds the 8m height limit. This is partly due to the covered walkways and the approach taken to internal circulation. Currently the proposal breaches the permitted 8m building height with a lift over run of 12.8m and other building elements 11.7m (top of balustrade).



2. The proposal should comply with the height limit, or if alternative built form arrangements are investigated, that may consider even greater height with the express intention of minimising impacts on the site, then the benefits of increased heights need to be clearly demonstrated
3. Investigate alternative internal access arrangements that minimise the impacts of the covered walkways or remove them altogether.

4 Landscape / Environment

The current drawings indicate up to 50% of the existing trees on site to be removed.

On the current scheme 28 large endemic canopy species are proposed to be removed out of 57 trees on site. In addition, another 8 trees to be retained are noted by the proponents own Arborist to be subject to major encroachment which also may lead to decline and death.

It is well established that on such a steep site changes to existing drainage patterns have significant impacts on Angophora, Corymbia and Eucalyptus species and also lead to dieback. In addition, excavation and movement of plant and machinery on such a steep site is difficult to contain.

It is the panel's Arborist view; that a higher percentage than the 50% proposed will be impacted. These are all endemic remnant specimens found in the adjacent bushland and this loss will lead to the destruction of the bushland character of the site.

It is noted only 13 large endemic canopy species are proposed to replace the mature trees loss. Indeed, there is very little deep soil in the development envelope to replace an equivalent number and this is compounded by the large area of land required to remain clear for the APZ on site.

We note recent studies indicate mature trees sequester 1000 times the quantity of CO₂ than a new replacement and the time frame to address this imbalance is approximately 40-50 years -assuming the trees survives in the new environment.

Additionally, the proponent has yet to commission a suitably qualified Bush Fire and Ecological (Flora and Fauna) consultant to carry out the relevant studies and recommendations that will inform the project team.

The proposal must provide adequate soil depth between the two rear rows of buildings to provide opportunity for canopy trees to establish between buildings to meet the DFC.

Concern is raised regarding the extent of structures and driveway within the front setback and the ability to provide a meaningful landscape buffer between the buildings and Forest Way, within the 20m front setback.

Recommendations

4. The proponent revises the scheme to retain as many existing trees as possible. It is noted that 20 of the 28 trees proposed to be removed are located in a small section at the top of the property near the road. Site planning should address this constraint in any new schemes proposed.
5. Minimise excavation to the site and adopt a light approach to building structures to maintain existing drainage patterns and maximise deep soil for new tree planting
6. Replace at least one large endemic tree for each mature tree removed with sufficient soil volume for it to achieve its mature potential size
7. The building layout, massing and outlook for internal areas should give more detailed consideration to responding to the existing site vegetation including the unique rock cliff and sandstone outcrops found on this site.

5 Vehicular / Pedestrian Circulation & Car parking:

It is not clear from the drawings how a visitor (by vehicle or foot) to the site will understand how to navigate throughout the entire site.

An excess of carparking is provided. This cannot be justified given the volume of excavation that is required to simply meet compliance. The excess results in unnecessarily deep excavation and the



creation of unusable subterranean void spaces (above spaces 5 6 7 8 20 21 22 23 and as evident in sections AA and BB).

Recommendations

8. The Panel reiterates that a number of alternative approaches to circulation through the buildings and around the site should be investigated
9. Reduce the number of car spaces to the minimum required (47)

6 *Amenity and architectural quality*

The Panel observes that many of the lobbies receive very little natural light and will have a 'subterranean' character.

Conversely, the 'covered walkways present as 'sky bridges'. Whether they are full glazed or not, they will cause significant self-shadowing of the development as well as having overlooking and privacy impacts.

The Panel notes that the units do not take full advantage of the natural features of the site if they were retained, though as noted, this is questionable.

Recommendations

10. The Architects review all apartment layouts and ensure that useable space is not located in a subterranean / basement location due to the site layout and level changes
11. Provide more detail regarding the accessibility, facilities and intended use of common areas
12. Ensure adequate privacy by allowing for vegetated areas to screen bedrooms

Façade treatment

The Panel considers the choice of materials and finishes appropriate and attractive. The Panel supports the level of modulation and articulation in the design but notes that this should not be understood as a reason for occupying the extent of the site proposed.

Common areas

Insufficient information has been provided to comment fully.

As drawn the pool, cabana and BBQ area is located at the eastern end of the site 22 metres level difference from the site entrance. It is not clear how residents will traverse this level change that is logical, efficient and complies with the relevant codes.

Recommendation

13. Provide more detail regarding the accessibility, facilities and intended use of common areas
14. The Panel suggests that the applicant look at utilising a more central position in the site's master plan that will enable easier access to the proposed amenity. The use of large unused roof areas should be explored as a viable option for the large pool and community use. This would have the additional benefit of retaining existing trees in this area.

7 *Sustainability and resilience*

Considerable time was devoted to the discussion of sustainability and environmental performance during the presentation at the PreDA meeting.

As was noted at the time The Energy Efficient Design strategies in the design statement were very general and not indicated on the drawings.

The Panel expressed strong support for environmental innovation however these ideas need to be translated into quantified targets and commitments, however it would appear the proposal achieves minimum compliance with BASIX only.

The PV array is only shown on one of the 3 building roofs. It would be beneficial to provide additional panels to the other roofs to enable the other buildings and apartments. This will reduce cabling required to provide solar energy to the whole site.

Similarly, multiple rainwater tanks could be provided to connect all the roof space to rainwater collection and reticulate back into the building, instead of one tank connected to all the buildings. This will reduce pipework and increase the amount of rainwater supplied to non-potable demands.

Advice

15. All services should be electric – gas for cooking should be avoided. Until technologies for the use of hydrogen are developed and introduced, note the risk of gas reticulation becoming a ‘stranded asset’ and the possibility of additional costs to remove gas and rewire the building.
16. The storage of hot water can be considered a de-facto battery if heated by PVs during the day
17. Connect one rainwater tank for each building to connect to toilets as well as landscaping
18. Change to induction cooktops instead of straight electric to improve energy efficiency
19. Increase the size of the PV system and consider a green roof in combination with the solar panels
20. Provide bicycle parking spaces
21. Provide electric vehicle charging points for each unit
22. Allow for bi-directional (2-way) charging of EV battery for powering the building.

PANEL CONCLUSION

The Panel does not support the proposal in its current form. It is the Panel’s view that the design is not low intensity and does not have a low impact on the site.

The Panel does not consider the application to be consistent with the desired future character of the area.

The design is substantially the same as that presented to the Panel on 22 March 2021 and consequently many of the concerns expressed and recommendations remain the same.