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Northern Beaches Council
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Dee Why NSW 2099

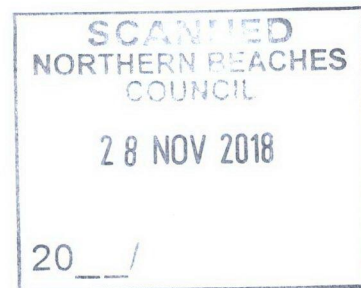


Dear Sir

Re: DA 2018/1654 - 181 Forest Way Belrose, NSW 2085. Demolition of existing Structures and Construction of a new aged care facility including underground parking.

We, Trad and Michelle Edwards are the direct residential neighbours to the proposed development at 181 Forest Way Belrose, NSW 2085 and object the development for the following reasons:

1. Bushfire Protection Assessment
2. Noise
3. Overlooking habitable rooms
4. Building height
5. Building setback
6. Building bulk
7. Desired future character (DFC)
8. Lighting
9. Tree loss
10. Other



The proposed development is prohibited. Consent for the development is sought under the Warringah Council Local Environmental Plan (WLEP 2000)

1. Bushfire Protection Assessment

A report has been provided by Travers Bushfire and Ecology in the response to RFS report D17/2523 to the proposed development with the RFS report requiring the following;

RFS item 1 - Written Confirmation from the adjoining land owner/s to the south of the subject site that they consent to the ongoing management of their property as an asset protection zone in perpetuity.

In this regards an easement will be required over the adjoining property to ensure that the recently cleared vegetation is not re-established and threaten the aged care facility.

TBE Response; TBE confirms that the adjoining land owner will not agree to an easement, TBE undertook a further assessment of the adjoining land using worst case scenario using "Tall Heath Formation" and calculated an adequate APZ within the property which can be provided to reduce heat to <math><10\text{kW}/\text{m}^2</math>

Edwards Response; For the record the owner of property 181 Forest Way has never contacted us in relation to consent of ongoing property management.

The above radiant heat calculation is incorrect as it is reported that the APZ has taken into consideration "Landscaped gardens" when in fact this area is natural bushland and should be classified as "Tall Heath Formation" Currently the area in question is increasingly growing and I can confirm that this area will

never be managed and will always be left in its natural state, typically the same to the West, East and South of the tennis court.

Based on these facts, if a new calculation was taken from the closest part of our un managed bushland area on the property using the 10m and 100m flame width to the proposed building a revised bushfire attack assessment of radiant heat will be well above $>10\text{kw/m}^2$, this radiant heat would be experienced by occupants and service workers entering or exiting the building in the event of a fire. This measurement of radiant heat does not comply with the Planning for Bush Fire Protection PBP and therefore the proposed building location is not compliant.

Please also note that imagery such as "photo 5 – Managed Land" in the TBE report clearly shows of a barren landscape without much regrowth, this photo was taken a long time ago. New photos would clearly show "Tall Heath Formation" This bush land is not and will never be managed.

2. Noise - Clause 43 of the WLEP 2000 relates to noise and states the following:

Development is not to result in noise emission which would unreasonably diminish the amenity of the area and is not to result in noise intrusion which would be unreasonably to the occupants.

The proposed Café has been removed from the plans from what we can see however there appears to be provisions for a café to be installed in the original location at a later date. Can Council please confirm that this will never be installed in the future.

Additionally, it is important to note that there are frequently loud noises transmitted from our property 179 Forest Way Belrose that will affect the comfort of the residents and visitors to this Nursing home. Trad has been competitively racing motocross dirt bikes for just over 31 years now and uses our land to effectively train and tune his motorbikes. Our son and his friends regularly use their motorcycles for recreation on our property and our son has decided to race and begin training with Trad. We have never received a complaint regarding noise and do express concern whether this is in the best interest of the nursing home development. Below is a photo of our son and his friend riding their motorbikes on our property 179 Forest Way Belrose. Trad's riding is only permitted while Michelle is not at home due to the high pitch noise the motorcycle emits.

3. Overlooking habitable rooms – Clause 65 of WLEP 2000 requires that:

Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings

The SOEE comments are “No privacy issues arise given the nature of the use, its orientation to the front and rear of the site and the substantial separation of buildings in the vicinity of the site” and **Adjoining Southern Dwelling (ie 179 Forest Way)** “Privacy considerations are also well resolved through design, the orientation of windows and bedroom layouts” and “Viewing between properties will be limited”

Response

The 2 storey building will allow the Nursing home residents, visitors and staff to overlook our property including the master bedroom, swimming pool, outdoor BBQ area, sunroom, tennis court and studio. There is no support to the drawings that privacy consideration has been totally resolved.

4. Building height – The locality statement states:

Buildings are not to exceed 8.5m in height, where height is the distance measured vertically between the topmost point of the building (not being a vent or chimney or the like) and the natural ground level below.

Their proposed plan is to construct part of the building 880mm above the permissible 8.5m.

Response

Noting that the development still fails to conform to the desired future character of the locality and the general principals of development control containing within, there is no power under clause 20 (1) to permit a variation to the development standard.

5. Rear and side building setback - The locality statement states:

Development is to maintain minimum rear and side building setbacks.

The minimum rear and side building setback is 10 metres

The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

The SOEE states “The proposal has a minimum side setback of 10m to the southern side boundary and a setback well in access of 10m to the northern side.

Our Response

The SOEE is actually incorrect as the southern side proposal easily encroaches the 10 metre setback with a fixed awning that cantilevers off the main building and is approximately 2 metres deep leaving approximately 8 metres off the boundary. The proposed 8m setback cannot be justified as it does not meet the 10 metre rule. It is a significant numeric breach of the control and is the direct cause for the development not achieving the purpose/objective of the standard. As per the building height variation, the development’s failure to conform to the desired future character of the locality and the general principles of development control, results in there being no power under the WLEP 20 (1) to permit a variation to the development standard. We feel that this awning will in fact form part of the future café planned for this area.

6. Building Bulk – Clause 66 of WLEP 2000 states:

Buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and not to visually dominate the street or surrounding spaces, unless the applicable locality statement provides otherwise.

In particular:

- *Side and rear setbacks are to be progressively increased as wall height increases,*
- *Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief and*
- *Appropriate landscape plantings are to be provided to reduce the visual bulk of new building and works*

SOEE Response

The proposed building is proportionate to its boundaries and substantial lot size. The building has been articulated and modulated to present as detached structures resembling the scale of buildings prominent in the locality.

Importantly the building will be concealed from view for the most part by existing and proposed vegetation. The proposed building height, while not compliant in part, retains a typical scale of building typically found in the locality.

The use of varied colours and finishes to the elevations assists in containing the bulk of the building. This consideration needs to be assessed in context of the use sort and the importance of the facility from a strategic planning sense. In balanced consideration, the proposed building is reasonable and suitably located on the fringe of the dense urban population.

Our Response

This viewing of the structure from our property will dominate and affect the view as it is one solid mass without any breathing space between various parts of the building, even with the revised plans a building on mass will be a forever result. This structure, when viewed from Oxford Falls Road looking west will be seen to dominate the skyline as one complete building at the 10 metres overall height. The plans provided with the DA do not show any of the elevations with directly adjoining neighbours/structures. So, it is not possible for someone unfamiliar with the area to determine the consistency or otherwise of the proposed structure. As we are familiar with the area, I can say that the proposed structure is nowhere near consistent with either of the directly adjoining neighbours. In fact, similar nearby properties of this type (nursing homes and retirement villages) are not consistent with this type of development e.g Glenaeon, Belrose Country Club, Uniting Church Wesley Gardens.

The southern elevation is a 2 storey structure that has a single plane wall setback and is not progressively increased as wall height increases and has a Large area of a continuous wall plane even though the original plans have been considered and attempted to be resolved.

Due to the natural gradient of the land from South to North the proposed building viewed from 179 Forest Way will appear as a 3 to 4 storey building and again will dominate our Northern views.

On the South, North and in particular, the East elevations there are inappropriate landscape plantings to reduce the visual bulk of new building and works.

7. Desired future character (DFC) – Statement as follows:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

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 ridgetops 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 minimize 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.

SOEE Response

The proposed development is not housing per se however the building can be sensitively provided for on site.

The proposed use is best described as a nursing home as distinct from a typical housing for older people or people with disabilities.

The proposal has been designed to effectively blend into the environment by ensuring the buildings contours and maintains a reasonable building height. In addition, the large setback adopted and retention of perimeter vegetation assist significantly in providing a built form subservient to its environment. The proposed development sits comfortably within the building zone running along Forest Way and will not be obvious from a public space or private residence. In view of the above and in consideration of the Architectural treatment of elevations, the building is consistent with the desired future character established for the precinct.

Our Response

- 1. The development is not limited to new detached style housing still after the revised plans viewed. Rather the proposal is one building on mass. This character objective applies equally to housing for older people or people with disabilities as it does to conventional dwelling houses.**
- 2. Adequate articulation and greater “gaps” should be imposed within parts of the building to improve built form of being a “new detached style housing”**
- 3. Is not low intensity or low impact**
- 4. The natural landscape has not been enhanced, 45 well established trees will be removed**
- 5. This is a new development on a ridgetop (top of the building will extend over the ridgetop) and the building will be seen from Narrabeen Lagoon and Wakehurst Parkway and in particularly of a night when the site is fully illuminated as will act as a beacon and will be easily noticed from the ocean**
- 6. The natural landscape including landforms and vegetation will not be protected as large amounts of earth are to be removed and 45 trees are to be cut down**
- 7. The building hasn’t been located and grouped in areas that will minimize disturbance of vegetation and landforms, it is purely built as a mass, it will be more consistent with the DFCS if the built forms are designed as well spaced apart pavilions sitting on solid bases that are well**

articulated and landscaped hugging the natural terrain as it steps down the slope. The building could be designed around the existing trees

8. The large setback has not been met on the Southern elevation and building height has not been met
9. The proposed development will be obvious from Oxford Falls Road West and our private residence
10. As the primary bushland colour is green none of the colour palette is incorporated into the building design

7. Lighting

The SOEE generic responds to many items - Schedule 16 generally provides the relevant construction standards rather any development controls. The proposed development will be constructed as per the requirements of the BCA and the Australian Standards in this regard. Matters such as neighbourhood amenity and character issues have been discussed previously within this statement environmental effects only that pathway lighting will be provided at 50 lux at ground level.

Our Response

No clear information was provided, can this information and other lighting details be provided to us for assessment, additionally can garden/walkway lighting be set to designated time of illumination to reduce light pollution all night long?

8. Protection of existing flora – Clause 58 of WLEP 2000:

Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species

The SOEE comments are “Flora and Fauna investigations has been conducted and findings documented under separate cover.

Our Response

The natural landscape has not been protected, 45 trees have been proposed to be removed, the development design could be easily redesigned so the 45 existing trees could remain. We purchased our property partly due to the green outlook, this development will only diminish the outlook again and the proposed bushfire protection measures will forever keep the natural bush environment to a minimum which does not encourage flora, fauna and wildlife to naturally function in the area.

9. Other

- Fencing- the plans indicate removal of chain wire fence only. Detail needs to be provided around the new fence.
- Clause 44 pollutants, no details around the kitchen ventilation hood and what device will be installed to eliminate odours. The SEE states that “The use will not emit pollutants” can more details be provided around this statement
- Construction/storage- The site plans suggest a large materials storage area on the southern boundary closest to our residence, could this not be relocated away from our residence

- We also ask that council provide the internal plans for this building and ask that we are invited to any meetings regarding this development
- The SOEE states that it has offered council an assessment of a model, photo montage and fly around visual display. Can we review these ourselves?
- With the site being within 40m of a threatened species this issue has not been considerably or practically resolved

Conclusion

Given the development is prohibited, Council need not go on to assess the merits of the proposal. Impacts deriving from the overdevelopment include an incorrect Bushfire Protection Assessment, an unacceptable loss of trees and an incongruent and imposing form of a development. The development's non-conformity with the desired future character of the locality and its significant breaches of building height and setback are clear indicators of the proposal being an overdevelopment of the site. It also fails to conform with privacy and noise issues. The Council must refuse the application given the proposal is for a prohibited form of development having regard to the land use table at Appendix B of the WLEP 2000. Beyond that, character, environmental impacts and suitable issues as raised within this submission warrant refusal of the development on merit.

Regards

Trad and Michelle Edwards