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**Sent:** 24/01/2023 11:09:18 PM  
**Subject:** DA2022/1530 submission  
**Attachments:** DA2022-1530 FoNLC subm 20230124.doc;

Re DA2022/1530

Address: 171 Forest Way, Belrose

Please find attached submission from Friends of Narrabeen Lagoon Catchment.

# Friends of Narrabeen Lagoon Catchment



P.O. Box 845, Narrabeen NSW 2101

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24 January 2023

To: Northern Beaches Council  
Attention: Adam Croft  
Email: [council@northernbeaches.nsw.au](mailto:council@northernbeaches.nsw.au)

SUBMISSION to Development Application DA2023/1530

Address: Lot 9, DP 737255: 171 Forest Way, Belrose

Dear Sir/Madam

We wish to object to the proposed development.

Our reasons for OBJECTION include the following:

The proposal is for:

Construction of seniors housing incorporating 35 self-contained dwellings, (comprising 12 x 2 and 23 x 3 bedroom dwellings) communal rooms and courtyard areas.

A combination of basement and at-grade parking for a total of 72 vehicles.

The basement car parking requires bulk excavation up to approximately 9.0 metres below ground level.

## Site Features and Impacts of the Development

(Ref: Biodiversity Report)

“The development site is a large rural residential block with an area of 1.085 ha.”

“It occupies a long steep slope from 168 metres ASL to 127 metres ASL, with the western part of the site being at the upper slope – ridge top.”

“A first order stream tributary of Snake Creek is present off site near the Lot’s south-eastern corner. The subject lot is connected directly to the Snake Creek corridor at its eastern boundary.”

“Habitat connectivity has high integrity along the north-south corridor of bushland along Snake Creek at the bottom of the east facing slope.”

“The site occupies a steep east facing slope that is punctuated by a rocky outcrop approximately 40 metres from the western boundary that contains overhangs,

crevices, and caves. This geological feature is typical of the underlying Hawkesbury Sandstone.”

“The area of native vegetation to be removed is 0.24 ha and an additional 0.25 ha managed as an Asset Protection Zone (APZ), totalling 0.49 ha. (This is approximately half the site).”

Twenty-eight (28) trees are nominated for removal with the thirty-three (33) trees to be retained.

#### Prescribed impacts (Chapter 6 of the BAM)

(6.1.1) “Karst, caves, crevices, cliffs, rocks and other geological features of significance.”

“A significant rock outcrop is situated directly below the existing house and pool, and stretches across almost the entire width of the lot. This outcrop has overhangs, horizontal and vertical crevices (the largest with an opening 1.5 m high), and large outcropping tilted boulders.”

“The proposed development will threaten the integrity of these features.”

(6.1.3) “Habitat connectivity. The major habitat connectivity in the local area occurs within the riparian corridor associated with Snake Creek to the east.”

“A band of vegetation approximately 20 m wide and 150 m long is proposed to be affected by the APZ along the rear of the site.” “A maximum of 15% canopy cover and 20% understorey cover in separated clumps can remain in managed land” (for the APZ). This will greatly reduce habitat connectivity in this corridor.

(6.1.4) “Water bodies, water quality and hydrological processes.”

“The development area occupies part of a broad ridge and the east facing slope below it...A first order stream tributary of Snake Creek is present off site approximately 12 metres from the subject lot’s southern boundary.”

The changes to hydrological processes will be extensive and affect overland flow and groundwater. The extent of development within the steep site will increase the risk of erosion and stormwater impacts.

#### Threatened species

“Threatened species habitat is limited, with only *Chalinolobus dwyeri* Large-eared Pied Bat assumed to be present...this species is considered to have potential roosting habitat in the rocky outcrop and associated foraging habitat in all of the native vegetation on site.”

“The proposal will result in the destruction of the roosting habitat, the removal of 0.24 ha and the disturbance of 0.25 ha of potential foraging habitat.”

#### Indirect and potential impacts include:

- Presence of companion animals, such as cats.
- Increased disturbance of wildlife habitats by noise and lights.
- Increased nutrients in runoff into adjacent bushland, producing weed plumes.
- Water pollution and intensification of stormwater runoff.
- Soil erosion and sedimentation associated with earthworks.

(Ref: Geotechnical Report)

#### Site Drainage

"Site Drainage is via overland flow to the east, towards a tributary of Snake Creek approximately 30 m from the eastern site boundary."

#### Groundwater Observations

"Soils were encountered in a generally moist condition. Borehole BH105 became wet from 1.4 mBGL to the top of rock at 1.5 mBGL. Groundwater inflow was observed in borehole BH103 at 0.8 mBGL."

"Observed groundwater is inferred to be of ephemeral perched nature. Ephemeral perched seepage water may be encountered in excavations, originating from surface water infiltration during prolonged or intense rainfall events."

(Ref: Bushfire Report)

"The report concludes that the proposed development, in its current form, does not comply with PBP 2019." "The separation distance (to the east) currently stands at 85 m but PBP2019 requires 100 m for a Deemed to Satisfy solution."

"In the proposal's current footprint, there is inadequate space on the allotment to clear existing vegetation and permit a deemed- to- satisfy separation distance for estimated exposure to radiant heat of less than 10 kW/m<sup>2</sup> for the building."

The onsite APZ IPA is required to be the entire lot.

"The Northern Beaches Council are unlikely to approve a larger APZ as this would further encroach on adjoining land such as the roadway easement to the east, and impose increased management on neighbouring land owners."

"The LEP states, the unnecessary clearance of vegetation must be avoided and as such, the minimum clearance needed to create separation between the vegetation to create an effective APZ must be adhered to onsite."

#### WARRINGAH LEP 2000

#### B2 LOCALITY

The subject site is located in the B2 (Oxford Falls Valley) Locality of Warringah Local Environmental Plan (WLEP) 2000. The housing proposal is a Category 2 development.

#### Desired Future Character Statement ("DFC")

The proposal does not satisfy provisions in WLEP2000 relating to:  
The DFC for the B2 Locality, General Principles, and development standards.

The proposed Category Two development is not consistent with the following clauses in the desired future character of the B2 Oxford Falls Valley Locality.

*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...low intensity, low impact uses.*

*There will be no new development on ridgetops...*

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

*Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.*

#### Comment

The proposal is not 'low intensity' due to the size, scale and extent of development and associated level of activity.

The proposal is not 'low impact' as it will have a significant impact on the steep sloping site and adversely affect surrounding land in the non-urban B2 Locality.

The development would be located on a prominent ridge and slope that is highly visible to the east.

The natural landform would be subject to extensive excavation, including the basement car parking which will require bulk excavation up to approximately 9.0 metres below ground level.

Vegetation within the site will be removed for the purposes of development or APZ (Inner Protection Area).

The extensive earthworks and hard surfaces across this steep site will risk siltation and pollution in the catchment.

The impact on hydrology and vegetation will adversely affect the ecological values of the adjoining natural watercourse.

#### Development Standards

The proposal does not comply with development standards in the B2 Locality.

Building Height: Buildings are not to exceed 8.5 metres in height (to the topmost point of the building) or 7.2 metres in height to the underside of the ceiling on the upper most floor.

The proposal has significant variations in the overall height and wall height standards.

The upper pavilion:

- has a maximum overall building height variation of 2 metres (23.5%) and
- a wall height variation of 3 metres (41.6%) along its eastern edge as the site falls away towards the rear of the property.

the central pavilion:

- exceeds the building height standard by approximately 2 metres (23.5%) along its western edge increasing to 4.3 metres (50.5%) along its eastern edge
- with corresponding wall height variations of between 3 (41.6%) and 5.3 (73.6%) metres.

The rear pavilion:

- has an overall building height variation of 2.9 metres (34.1%) and
- wall height variation of 3.9 metres (54%) along its eastern edge as the site falls away towards its rear boundary.

The proposal is for a 5 level building in part.

Side boundary setback:

The minimum side building setback is 10 metres.

Non-compliance includes:

- Minor above ground intrusions associated with elevated decking and ground level private open space areas.
- Basement car park below upper pavilion extends to within 6.73 metres of the northern boundary.

WLEP2000

General Principles

The proposal is not consistent with the following General Principles.

56 Retaining distinctive environmental features on sites

*Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.*

This includes rock outcrops.

57 Development on sloping land

*On sloping land, the height and bulk of development, particularly on the downhill side, is to be minimised.* The height and bulk exceeds the development standards.

58 Protection of existing flora

*Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation.*

Trees and vegetation would be removed for development and APZ.

60 Watercourses and aquatic habitat

*Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.* The subject lot is connected to the Snake Creek corridor at its eastern boundary.

76 Management of stormwater

*Stormwater runoff from development is to have minimal impact on any receiving watercourse, stream, lagoon, waterway or the like.* The proposal will result in extensive earthworks, excavation and impervious areas.

*Water quality control measures are to be provided in accordance with the Northern Beaches Stormwater Management Plan.*

SUMMARY POINTS

The proposal is not consistent with the DFC for the B2 Oxford Falls Valley Locality and General Principles in the WLEP2000.

The proposal is not compliant with development standards: include building height, wall height, side setback and front setback.

The proposal will result in a substantial increase in impervious surfaces within the Snake Creek sub-catchment.

Stormwater runoff from the development will impact on a tributary of Snake Creek, which is identified as a high quality waterway.

The development will have a significant visual impact from vantage points to the east.

The extent of development will change the character of the site within the context of the B2 Locality.

The proposal will have direct and indirect impacts on the surrounding land in the B2 Locality.

The proposal will remove trees and vegetation within the site for the development and APZ.

The proposed seniors housing is not a low intensity, low impact development.

The development will have a substantial impact on the natural landform and features of the site and a significant visual impact on the ridge and eastern slope within the B2 Locality.

The development on the adjoining lot to the south should not be used as precedent to justify or replicate a similar development that will have a cumulative impact within the catchment.

The extent of development is not what is envisaged for the B2 Locality and DFC in particular.

The development would disrupt and significantly alter the natural hydrology (surface and groundwater) of the site, which is within the Snake Creek catchment.

Bushfire Issues: The proposal does not satisfy the APZ requirements in PBP2019, for SFPP development.

All the on-site vegetation would be within the Inner Protection Area. This includes the vegetation corridor along the eastern boundary of the subject site.

The APZ would overlap vegetation in the riparian buffer (within 40m of the tributary of Snake Creek). This is contrary to the Waterway and Riparian Land Policy that seeks to avoid APZ in riparian land.

The APZ would overlap adjoining land and not be contained within the site boundary.

In conclusion, we consider the proposed development is not suitable for the site (and vice versa) and should be refused.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patton', with a horizontal line extending from the end of the signature.

Ron Patton, President