



northern
beaches
council

MEMORANDUM

DATE: 20 April 2023
TO: Sydney North Planning Panel (SNPP)
CC: Rodney Piggott, Acting Executive Manager Development Assessment
FROM: Kye Miles, Planner
SUBJECT: Item No. PPSSNH-332 - 181 Forest Way, Belrose

Dear Panel,

The purpose of this memo is to advise the Panel that a submission has been received from the applicant, which raises objection to the recommended amendments to Condition No.11A. These are:

- Operational constraints,
- Conditions of the Court Consent and Landscape Quality,
- Basement access.

Operational constraints

The submission argues that the subject site has been recently acquired by Regis Aged Care (Regis) and that the modification has been lodged to '*better align with their service model and operational requirements.*' Specifically, the additional ground-level visitor park will provide for improved accessibility and user experience.

These matters are noted, however, for the reasons discussed in detail in the assessment report, the approved development is considered to provide sufficient off-street parking, which is evident of the 20 surplus parking spaces. As such, augmenting the development under a modification application to better align with the preferred operational requirements is not considered acceptable, when doing so is at the detriment of landscape amenity within the front setback, which was a specific concession offered in the original court proceedings to secure a consent.

Conditions of the Court Consent and Landscape Quality

The submission indicates that irrespective of the additional ground-level parking proposed under the subject application, several conditions of the Court consent prevent substantial landscape planting in the approved front setback. The submission also argues that the landscape outcomes of the Court approval are upheld in the modification.

Council's Senior Landscape Architect has provided the following comments:

The approved Landscape Plans prepared by Sturt Noble Associates, the subject of the Land and Environment Court appeal, includes a 5 metre landscape buffer zone within the 20 metre setback to assist with the softening of development as seen from Forest Way, and includes tree and mass planting.

The Land and Environment Court judgement under item 7 (5) on page 4 quotes "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."

In the assessment of the landscape outcome of the proposed modification, the Court approved Landscape Plans are considered, rather than the architectural plans that are the subject of the proposed modification, as these documents represent different solutions.

The applicant's modification is based on architectural drawings prepared by Morrison Design Partnership, with changes shown from development application documents to the current modification, despite and in the abandonment of the Court approved Landscape Plans.

The modification application neglects the Court's acceptance of the front setback with a densely landscaped area that the 5 metre landscape buffer provides.

The modification application dismisses the Court acceptance of landscape area provision as a way to minimise carparking within the front setback.

The proposed modification abandons the continuous 5 metre wide landscape buffer zone and this is replaced with three separate landscape areas of reduced landscape area and soil volume, and is inclusive of an enlarged substation footprint, retaining walling and additional visitor parking areas that result in landscape area that at best will only support low shrub and groundcover planting, thus eliminating the previous landscape outcome of tree and mass planting that provides a visual buffer to Forest Way.

The approved slip lane removes existing vegetation across the frontage of Forest Way, and the proposed available landscape areas the result of the proposed modification do not provide adequate compensatory tree planting.

Compliance with Bush Fire Protection requirements is able to be achieved across the frontage of the property and still provide tree planting, as the guidelines relate to the separation of tree canopies and thus tree planting is not excluded across the frontage with appropriate landscape design.

It is therefore considered that the desired future character of Locality B2 Oxford Falls Valley is unable to be achieved as a "dense bushland buffer" is not retained nor established along Forest Way, and likewise the requirement for the front building setback to be "densely landscaped" is removed this the area now proposed to be occupied by extensive pavements for vehicle access and car parking.

Overall, the proposed modifications as amended by the recommended condition will have an indiscernible environmental impact beyond that approved, with the bulk of the development remaining unchanged. If, however the modification was not amended as recommended by the condition, it would have adverse environmental and streetscape impacts through the significant loss of vegetation that occurs within the front setback, in addition to the substantial loss that occurs for the requisite APZ and deceleration lane on Forest Way. It is important to note that whilst the landscaping area is small in the context of the site, it is the only significant landscaping that mitigates the building when viewed from the street.

Basement Access

The submission requests that Condition No.11A is deleted, as the revised basement access ramp allows for an efficient ground floor layout and additional internal storage. However, as discussed in the assessment report the relocation of the basement access ramp contributes to the reduction of meaningful landscaping within the front setback that assists with mitigating the visual impact of the built form when viewed from Forest Way. It is considered necessary that the approved basement access ramp is retained to preserve the integrity of the approved front setback.

Recommendation

The submission is noted.

No changes required to the recommendation or conditions contained in the assessment report.