

11 February 2024

City of Sydney Council  
GPO Box 1591  
Sydney NSW 1001

**Attention: Kye Miles**

**Response to Council Request for Information – Mod2024/0550 – 181 Forest Way, Belrose**

Dear Kye,

This letter has been prepared by Mecone Group (**Mecone**) on behalf of Regis Aged Care Pty Ltd (the **applicant**) in response to a Request for Information (**RFI**) letter issued by the Northern Beaches Council (**Council**) on 14 January 2025 in relation to Mod2024/0550 at 181 Forest Way, Belrose.

This letter provides a consolidated response to the matters raised by Council its assessment of the application and RFI and should be read in conjunction with the following reports and plans submitted under separate cover.

- **Attachment A** – Amended Section Drawings
- **Attachment B** – 3D Renders
- **Attachment C** – Stormwater Details sheet 3
- **Attachment D** – Letter from Entec dated 6 February 2025
- **Attachment E** – DRAINS model
- **Attachment F** - Correspondence from MOD 1
- **Attachment G** – RFS terms of approval for MOD 1
- **Attachment H** – Bushfire letter February 2025

Regis is fully committed to appropriately satisfying the RFS Planning for Bush Fire requirements, and we trust the above information enables Council to finalise its assessment of the application and proceed to a favourable determination.

Please contact me on 02 8667 8668 or [gbassett@mecone.com.au](mailto:gbassett@mecone.com.au) if you wish to discuss any of the matters outlined above.

Yours sincerely,



Gemma Bassett  
**Associate Director**



RFI Items and Responses	
Council Comment	Response
<b>1. Building Height</b>	
<p>Further information is requested, including detailed 3D model and perspectives, particularly from the southern neighbour, as well as images that exclude landscaping elements, which not reveal the full picture to allow a full assessment to be undertaken.</p> <p>The approved building height was a material and essential feature of the proposal, which was a key factor in the original Court Consent.</p> <p>As such, any undue building bulk exceeding the building height limit resulting from these modifications will not be supported.</p>	<p>Detailed 3D perspectives and sections have been provided with a detailed perspective from the southern neighbour included. Refer to <b>Attachment A</b> and <b>B</b>.</p> <p>The proposed modifications do not result in a substantial departure in bulk and scale from the Court-Approved development. The proposed acoustic screening is a requirement of the acoustic conditions of consent and owing to its positioning over the development, would be imperceptible from the public domain and to the southern neighbour, even when excluding the approved natural screening.</p> <p>It is noted that there will be substantial tree planting along the western and southern boundaries, consistent with the original Court consent, with the planting specifically acting as natural screening to the proposed built form. The approved planting will conceal any excessive bulk and scale from the public domain.</p>
<b>2. Development Engineering</b>	
<p>The Statement of Modification and associated documents, including the Stormwater Management plans have been reviewed. The proposed development is on a Low Level Property that cannot drain to the street. It is noted that the original approved plans by Acor Consultants dated 10.09.18 proposed a 240 cubic metre OSD system with a 250 mm orifice. The amended plans by Entec Consultants propose a reduced volume of 125 cubic metres. The design criteria on drawing C512 is not compliant with Council's Water Management for Development Policy. Amended on-site detention design is required in accordance with Section 5.5 and Appendix 3 of the policy.</p>	<p>The proposed OSD design has been updated to align with Councils Water Management for Development Policy. Amended OSD plans, along with a covering letter and updated DRAINS model are provided at <b>Attachments C, D and E</b>.</p>
<b>3. NSW Rural Fire Service</b>	
<ul style="list-style-type: none"><li>The New South Wales Rural Fire Service (NSW RFS) cannot support the proposed development, as the subject application in its modified form, does</li></ul>	<p>Development of the site was originally approved by Land &amp; Environment Court as part of Case no. 2020/137970 Chrioseph Pty Ltd vs Northern Beaches Council.</p>



## RFI Items and Responses

not demonstrate compliance with the standards established by Appendix B to the Planning for Bush Fire Protection (PBP) Addendum November 2022. On this basis, a Bush Fire Assessment Report will need to be provided, for further assessment of the proposal against the provisions of PBP 2019 and PBP Addendum November 2022 with specific reference to Chapter 3 National Construction Code (NCC) 2022 and Appendices A and B; and,

- Any development application associated with residential care buildings, lodged with a Consent Authority after 1 May 2023 is required to comply with the requirements of PBP 2019 and Appendix B of the Addendum to PBP. Consideration should be given to the Acceptable Solutions and/or Performance Solutions that may be necessary for compliance with Appendix B of the Addendum to PBP. Note that the provisions of Addendum to PBP are consistent with the following provisions of Specification 43 of Volume One of NCC 2022: Such as S43C10 Building envelope, S43C11 Supply of water for fire-fighting purposes and S43C14 Vehicular access and any variation proposal will need to demonstrate compliance provision in accordance with Table 6.8b of Planning for Bush Fire Protection 2019.

Court approval 2020/137970 locked-in a number of conditions of consent, of primary relevance are condition 7 and condition 69 (refer to detailed discussion at **Attachment F**).

All recommendations and requirements contained in the following reports were endorsed by the Courts:

- Biodiversity Development Assessment Report, dated November 2019, prepared by Cumberland Ecology
- Bushfire Protection Assessment, Ref 18MORR02, dated 9 September 2020, prepared by Travers bushfire & ecology (John Travers)
- Joint statement prepared by John Travers and Lew Short, dated 17 September 2020, prepared by John Travers (acting for the Applicant) and Lew Short (for the Council).

Regis Acquired the site with the Court approval and to - date the consent has been modified once. Modification 1 (**DA-217-02703-S4.55-1**) was approved on 28 April 2023. In addition to amending the plans, Condition 7A (Compliance with other department, authority or service requirements) was added to the consent to ensure compliance with RFS Terms of Approval (see **Attachment G**).

This application represents the second modification to the consent. We highlight that the proposed amendments to the approved plans relate to internal modifications which rationalise floorplates (and reduce the number of beds), amendments to interior courtyard areas, to the acoustic screening at roof level, and administrative changes to the wording of the consent. The proposed amendments **do not encroach the approved APZ** (as annotated on the submitted plans) and have **no further impact** with regard to bushfire safety. Further, Bushfire Consulting Services have reviewed the scheme and provided a letter at **Attachment H** which seeks exemption from updated requirements on the basis of site specific factors such as topography, and biodiversity which limit the ability to fully comply with the 2019 Planning for Bushfire Protection Guidelines.

The proposed development therefore remains consistent with the RFS terms of approval which were issued as part of MOD 1 and with the general conditions of the Court Approval.



## RFI Items and Responses

The project team are committed to continuing to work with RFS to satisfy the necessary requirements and close out this matter, we understand that RFS are able to grant an exemption to the current guidelines in response to **Attachment H**.