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**Sent:** 28/01/2020 10:15:39 AM  
**Subject:** Submission Edwards - DA2018/1654 181 Forest Way Belrose  
**Attachments:** 2020 - 181 Forest Way Council Response.pdf;

Attention Daniel Milliken,

Please find attached our submission relating to the above development.

Regards  
Trad and Michelle Edwards

Luke Perry

Northern Beaches Council

725 Pittwater Road

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. Café and 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) Please also note that a revised Statement of Environmental Effects has not been revised to support the changed plans and conditions and we ask for them to be provided to understand what effects the changes have on revised plans and conditions.

#### 1. Bushfire Protection Assessment

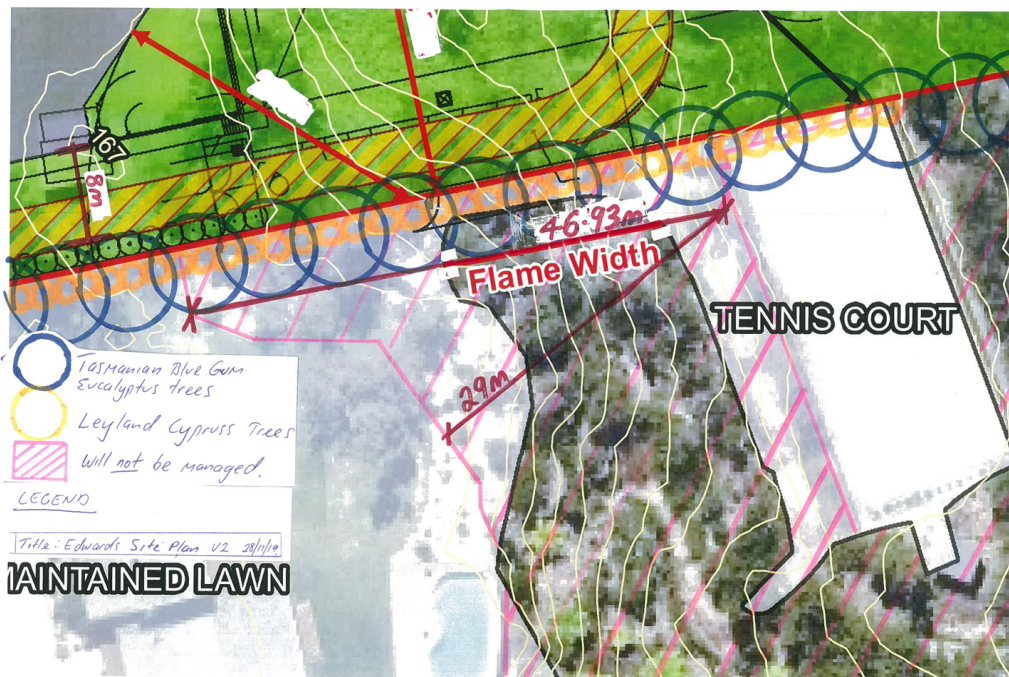
An addendum report has been provided by Travers Bushfire and Ecology in the response to RFS report D18/7763 to the proposed development.

We would like to state that the November 2019 issue of the "Travers bushfire protection assessment addendum schedule 1 – Bushfire Protection Measures" is incorrect in the following areas

- The "Maintained Lawn" area for 179 Forest Way was never discussed or agreed to by us (see "Superseded" Travers Bushfire protection assessment below)
- The "Maintained Lawn" area identified on the map is incorrectly marked (see "Superseded" Travers Bushfire protection assessment below)
- The "Travers Bushfire attack assessment" to the south is actually incorrectly calculated at a 19m flame width, in the below site plan "Edwards Site Plan V2" a recalculated flame width of 46.93m is based on the actual unmaintained land and will now be reduced to as little as 8m from the new canopy to the proposed new building when taking into account tree overhang from our property. In fact the continuous link of trees that will be planted along the entire northern boundary fence (approx. 200m long; read on for further details) of our property will

pose a fire risk due to the fact that the tree canopy is linked and will easily spread flame from one tree to another – see below site plan “Edwards Site Plan V2” for details.

We as the owner of 179 Forest Way Belrose can advise and confirm exactly what area of our property will be “Maintained Lawn”. In the below marked plan “Edwards Site Plan V2” the areas marked in a pink hatched zone indicates the “Unmaintained land - **The area will never ever be managed and will always be left in its natural state**” as true and correct as of January 2020 and is subject to change as we will consider an additional layer or two of linked screening trees to further guarantee our visual privacy during day time and any light spill during the night.



We have decided to action our privacy plan in the event that this development is approved by Northern Beaches Council so we ask that all parties involved in the DA assessment take the below site plan "Edwards Site Plan V2" into consideration. We have decided that in addition to the Developers screening out our property at 179 Forest Way from the 181 Forest Way southern elevation we would also screen out 181 Forest Way on our northern elevation to ensure we achieve maximum privacy.

We recommend that the "Travers bushfire protection assessment addendum schedule 1 – Bushfire Protection Measures" report should be modified and based on what actual areas we will be maintaining as noted in the site plan "Edwards Site Plan V2". We strongly encourage Travers and RFS to consider the latest conditions in any assessments, calculations and modelling. The trees we will be planting will start to dominate the boundary between the two properties, full establishment will be projected to happen sooner as we will influence speedy growth using such methods as daily watering and a constant fertilising program to achieve a faster linked continuous privacy screen between the two properties and ultimately will establish itself as a Dry Sclerophyll Forest as these trees will reproduce through seedlings spread and will grow around other parts of our property.

In addition to achieving maximum privacy we will forgo our access path that runs parallel to the common boundary fence between the two properties. As you can see on the site plan "Edwards Site Plan V2" the trees we will plant will have a continuous canopy link both up high and down low for maximum privacy. These facts should be seriously considered in light of the recent catastrophic and fatal bushfires and the vulnerability the environment is currently in and projected to be.

Additionally, we would like it noted that at no point has any developer or developer representative officially arranged or sought permission for a site inspection of our property at 179 Forest Way Belrose in the preparation of Travers Bushfire report. Without our input we assume that the Travers Report has been based off previous bush conditions of 179 Forest Way Belrose and hasn't factored in January 2020 conditions as stated above and that the Travers report is based on conditions as far back as 2015 whereas the flora has considerably grown which suggest that a bushfire assessment should be assessed based on 2020 conditions.

We have also included below previous photos of the abovementioned area that is the current path of 179 Forest Way and runs parallel to the common boundary fence to show that when we plant new trees they will eventually grow back to reflect the previous conditions.





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  $>10\text{kw}/\text{m}^2$ , this radiant heat would be experienced by occupants and service workers entering or existing 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 Travers Bushfire Assessment report clearly shows of a barren landscape without much regrowth, this photo was taken many years ago (typical throughout report). New photos would clearly show “Tall Heath Formation” This bush land is not and will never be managed.

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

The proposed Café is located on the southern boundary closest to our residence, the café will bring family and residents together as a meeting area along with young children. This area will generate plenty of noise that will echo between the walls and fences and emanate unduly into our living spaces. This noise intrusion will greatly affect our wellbeing particularly on weekends when resident’s family visit. The developers SOEE doesn’t capture this issue and no way provides any acoustics report. With children of our own, we fully understand what noises will be generated and by no way do we find this acceptable.

Ideally to satisfy the requirement and reduce the noise and privacy impact of our living areas we ask that the café be relocated to an alternative location that will not affect any neighbours on both sides of the proposed development. Relocating to the Northern side of the property will not impact the north side neighbouring properties due to the aide of the natural terrain as the bushland between the properties is much higher and the distance is approximately three times greater, below is a drawing of the proposed location and three alternate suggestions.





 Proposed Café location  
 Suggested Café location

Additionally, the current proposed location of the café will allow the public easy access to the café from the street as there are no proposed gates which will greatly increase our security risk and further diminish our privacy.

There is no reason why the development plans can't be adjusted to suit any of these proposed locations as this would certainly reduce the privacy, noise and security issues that will result.

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

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 from their resident's rooms, Café area and dining room overlooking our 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, as noted above and in particular the Café has many alternate location on the property that will not affect any neighbour.

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:

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 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.

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

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:

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:

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

#### Conclusion

Given the development is prohibited, Council need not go on to access the merits of the proposal. Impacts deriving from the overdevelopment include an incorrect Bushfire Protection Assessment, noise and privacy issues from the café which has not considered neighbours livelihood, an unacceptable loss of trees and an incongruent and imposing form of a development. The developments 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. 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 suite suitable issues as raised within this submission warrant refusal of the development on merit.

Regards

Trad and Michelle Edwards

January 2020