

26 April 2019

16630

The Chairperson
Sydney North Planning Panel
320 Pitt Street
Sydney NSW 2000

Dear Panel Members,

**DA2018/1332 / 2019SNH002DA – Response to Council Assessment
199 and 207 Forest Way, Belrose**

Ethos Urban has prepared this correspondence on behalf of Lendlease Retirement Living (“Lendlease”) in relation to the Development Application (DA) for 199 and 207 Forest Way, Belrose (DA2018/1332 / 2019SNH002DA). Lendlease seeks to highlight fundamental concerns with the nature and content of the DA assessment that is to be considered by the Sydney North Planning Panel (SNPP) on 1 May 2019.

Broadly, these concerns are that Council’s assessment has not fully considered material that has been submitted to Council on environmental issues, and in terms of the DRAINS modelling, has not considered the submitted information at all. It is the applicant’s opinion that Council’s positions on ecology, bushfire, landscaping and stormwater does not recognise the interrelated nature of environmental issues and the improved outcomes for the site and surrounds..

The key environmental matters that have been presented by Council as reasons for refusal are addressed in turn within this letter, with a detailed response from Lendlease on each:

- Riparian Land Issues (refer to **Attachment B**);
- Stormwater and Water Management Issues (refer to **Attachment C**);
- Biodiversity Issues inc. bushfire (refer to **Attachment D**); and
- Landscape Issues (refer to **Attachment E**).

The applicant’s response to the draft conditions of consent is attached at **Attachment F**.

The table below sets out three reasons for refusal cited by Council’s assessment report and a summary of the applicant’s response:

Reason for Refusal	Applicant’s Response	Reference in Submission
Prohibited development in B2 Locality Oxford Falls Valley under WLEP 2000.	The site adjoins a locality primarily used for urban purposes.	Refer to letter sent Panel by Addisons dated 13 March 2019.
Inconsistent with Desired Future Character Statement as it relates the impact of the development on the environmental features and ecological values of the site.	The proposal has been designed to have a neutral or beneficial impact upon the environmental features and ecological values of the site and surrounds including downstream water catchments.	Refer to Attachment B, C, D & E below for detailed responses.

Reason for Refusal	Applicant's Response	Reference in Submission
Inconsistent with clauses 56, 58, 60 and 76 of WLEP 2000	Each of these clauses have been thoroughly addressed throughout this submission.	Refer to Attachment B, C, D & E below for detailed responses.

Whilst the applicant's consultant team has deliberately worked closely together to respond to and resolve environmental issues in a holistic and comprehensive manner, it would appear that Council has considered each environmental issue largely in isolation and formed a position without regard to the overall improved outcomes for the site.

This correspondence therefore outlines the applicant's position and more specifically addresses the environmental matters outlined in Council's Assessment Report that in the applicant's opinion misrepresent the development and its overall environmental impact.

This correspondence does not deal with the issue of permissibility. The applicant's position has been previously communicated to members of the SNPP by way of a letter from Addisons to the Secretariat dated 13 March 2019, that references legal opinion dated 23 April 2018 from Malcolm Craig QC that concludes that "*the development of the development site for seniors housing is, in concept, a permissible form of development under the provisions of LEP 2000*".

As set out in **Attachment A** (DA Background), the applicant has worked in good faith and in close collaboration with Council to respond to all the issues raised throughout the assessment process and has made extensive efforts to demonstrate to Council that any concerns have been resolved, are capable of being resolved or are unwarranted.

Despite the great lengths taken by the applicant to quickly and thoroughly respond and address Council's referral responses, it is disappointing that Council's Assessment Report is recommending refusal of the DA and appears to not have fully considered the additional information submitted by the applicant.

We note that Council has raised no issue with the built form proposed and supports the minor variation to the height development standard. When the Panel determines that the proposal is consistent with the B2 Locality Desired Future Character Statement it will be empowered to grant approval under the provisions of WLEP 2000.

This correspondence with its attachments comprehensively provides for the SNPP to make an informed determination of the development and to approve the development. In this regard, the attachments provide a summary of each environmental issue and then provides a succinct technical response from each specialist consultant for the SNPP's consideration. The applicant therefore requests the SNPP to critically review Council's reasons for refusal in light of the information presented in this submission.

Yours sincerely



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Development Application Background

Ethos Urban

ATTACHMENT A: DEVELOPMENT APPLICATION BACKGROUND

On 10 August 2018, DA2018/1332 for 199 and 207 Forest Way, Belrose was submitted to Northern Beaches Council for demolition works and construction of major additions to Glenaeon Retirement Village, including self-contained dwellings and a new Residential Care Facility (RCF) on a neighbouring lot, with associated carparking, landscaping and public road modifications. Since lodgement, the applicant and the project team has proactively reviewed Council's referrals, as made available on Council's online DA tracker, and provided additional information, amendments and / or clarifications on the lodged DA with the intent of working with Council to resolve concerns and provide for an overall improved development outcome for the site and its surrounds.

The applicant and project team prepared amended RCF design options in response to Council's urban design referral comments, dated 15 October 2018. On 8 November 2018, two design options were presented to Council's Development Assessment Team. Council indicated a preference for design option 2. On 14 December 2018, amended RCF Architectural and Landscape plans were provided to Council based on Council's preferred design RCF option. Following this, Council confirmed that it supported the urban design and built form of the proposed development.

Between August 2018 and December 2018, additional Council referrals were received in relation to traffic, bushfire, tree removal, biodiversity and stormwater matters. On 8 February 2019, an Amended DA package was submitted to Council. The package sought to amend the lodged DA pursuant to clause 55 of the *Environmental Planning and Assessment Regulations 2000* (Regulation). The Amended DA package included:

- the revised architectural and landscape plans for 199 Forest Way
- amended / improved stormwater design for 207 Forest Way in response to Council's biodiversity and stormwater referral comments
- DRAINS and MUSIC modelling and stormwater plans (previously submitted in Dec 2018)
- Riparian assessment reports for both 199 and 207 Forest Way
- amended Biodiversity Development Assessment Report and Biodiversity Impact Statement and Bushfire Statement to respond and clarify Council's Biodiversity Referral comments
- traffic statement

Following this, an additional response was submitted to Council on 18 February 2019 to clarify the responses within Council's landscape referral (issued on 8 February 2019). Importantly, the Amended DA package and the additional information responses sought to resolve the issues raised within Council's 'August to February' referrals, while also clarifying certain inaccuracies within these referrals, specifically in relation to traffic, bushfire, tree removal, biodiversity, landscape, riparian land and stormwater design matters.

Meetings were also initiated by the applicant during this period, including with RMS (to resolve different council and RMS positions on signals at Forest way) and onsite with riparian and biodiversity council officers and the project team.

Following the Amended DA submission, subsequent Council referral comments were issued in March 2019 specifically in relation to biodiversity, landscape, stormwater and riparian land matters (hereby referred to March referral). The applicant and the project team are of the opinion that these additional referral comments and Council's Assessment Report misrepresent the existing site conditions and the overall impact of the proposed development. Where some development impact is inevitable, the proposal at a minimum aims to provide an improved outcome for the site and its surrounds. It is also noteworthy that the applicant has made extensive efforts in the lead up to the SNPP meeting to resolve the outstanding Council issues.

Riparian Land Issues

Cardno

ATTACHMENT B: RIPARIAN LAND ISSUES

Summary of Council Issue (Pages 18 and 19 of Council Assessment Report)

The development modifies the headwater of a creek system at 199 Forest Way and the system should be protected, restored or rehabilitated

Applicant's Response

Cardno notes that Council's DCP Waterways and Riparian Lands Map does not identify a waterway or riparian land within 199 Forest Way. The nearest classified watercourse as shown on the NSW State topographical maps is more than 500m from the lot (refer to Figure 1). There is no documented local or State records indicating the presence of a waterway on site.

Further, Cardno was engaged by the applicant to undertake a geomorphic assessment of the site conditions. The findings were outlined within a Riparian Assessment Report dated 21 December 2018 which was provided to Council. The findings confirmed that the channel on site is an ornamental and manmade element, fed by an unauthorized tap from the Forest Way stormwater network and originally mechanically recirculated. The report included an annotated survey mapping that illustrates the relationship of the manmade channel in context with the other landscaped ornamental water features of the site such as an ornamental wishing well (north - west) and the manmade concrete lined ornamental pond.

Refer to the Cardno Response Statement for more detailed response provided by Cardno to the March referral comments and Council's Assessment Report.

We note Council's Assessment Report does not raise specific concerns with riparian land issues for 207 Forest Way.

Accordingly, the Panel can be confident that the proposal as outlined on both 199 and 207 Forest Way meets clause 56 (Retaining Unique Environmental Features) and clause 60 (Watercourses and Aquatic Habits) of WLEP 2000. This is on account of the applicant's research and detailed response that demonstrates that the channel on the site is not a natural watercourse or documented as the head waters of a creek system and therefore is not required to be protected, restored or rehabilitated. Furthermore, the Panel can also be confident that the ecological values of natural watercourses are maintained which is consistent with the Desired Future Character of the B2 Locality in WLEP 2000 and therefore the Panel can grant consent.

26 April 2019

To: Sydney North Planning Panel

DEVELOPMENT ENGINEERING REFERRAL FOR DA2018/1332

199 Forest Way - Riparian assessment

Cardno were engaged to undertake a riparian assessment of the existing subject site located at 199 Forest Way, consisting of a site inspection and desktop assessment. The Riparian Assessment was prepared in response to Northern Beaches Council (NBC) referral.

- > The subject site does not trigger the criteria for referral to by NBC's Natural Environmental Unit as the site is more than 500m from the nearest classified watercourse, Snake Gully Creek. NBC's DCP Waterways and Riparian Lands Map shows that the manmade channel within the site is not identified as a waterway or riparian land. Refer to Figure 1 on page 2. Cardno provided the Riparian Assessment dated 21/12/2018 in response to the initial NBC referral and have subsequently received a second NBC referral. Cardno believe that the Riparian Assessment is not appropriate for this site as it does not trigger NBC criteria and that the Assessment provided demonstrates that the manmade channel within the site is considered a landscape feature, not a modified natural channel.
- > The site inspection reveals the site falls towards a manmade landscaped water feature within a depression that runs from west to east through the middle of the site which carries overland flows after rainfall. This water feature is not riparian watercourse. A stormwater pipe enters the site from Forest Way, and a PVC pipe connects this pipe to an ornamental water feature. From the ornamental water feature runoff flows along a manmade ornamental channel and into a manmade ornamental concrete pond at the eastern end of the site.
- > The Natural Environment Referral Response (NERR) claims that the system "*is still actively connected to the upstream catchment.*" This claim is inconsistent with NBC's Stormwater Infrastructure Maps and also with advice received from RMS, both of which indicate that stormwater runoff the Forest Way has been diverted to Morgan Street rather than flowing into the site. However during the site inspection flow was observed in the artificial channel following heavy rain the previous day. This may be due to a defect in the Forest Way drainage network.
- > Cardno's estimate of the upstream catchment is approximately 1.2ha. Prior to the construction of the Forest Way the catchment area may have been closer to NBC estimate of 1.6ha. A catchment of this size would not generate sufficient flows to form a riparian channel. The NERR fails to explain how a natural channel could have existed without sufficient catchment area to generate catchment forming flows.
- > At the other end of the site, discharge from the manmade pond's overflow pipe were observed as shallow overland flow. This is because there is no channel beyond the site boundary, as would be expected if the system was a natural watercourse rather than an artificial landscape feature.
- > The NERR claims that bedrock that was observed in the mid channel section pre-dates the channel feature work and is a natural instream feature. However bedrock is not always a feature of natural channels. While some watercourses have exposed bedrock in the channel bed, many others have a channel bed that is sand and gravel. The exposed bedrock in this instance appears to indicate that the manmade channel was excavated to bedrock during construction. There is no evidence that the bedrock was exposed prior to construction of the artificial channel, and this is unlikely given the small catchment area

Cardno's conclusion is that the manmade channel within Lot 199 the Forest Way is considered to be a landscape feature and not a modified natural channel as it lacks two important geomorphic features that would be present in a natural creek. The key geomorphic components that are lacking are:

- > A catchment area large enough to generate channel forming or bank full flows under natural conditions; and
- > A continuation of the channel beyond the property boundary. Natural creeks do not stop abruptly at property boundaries in steep terrain. If the channel within the property boundaries was natural it would be expected to continue all the way to Snake Gully Creek.

Yours sincerely,



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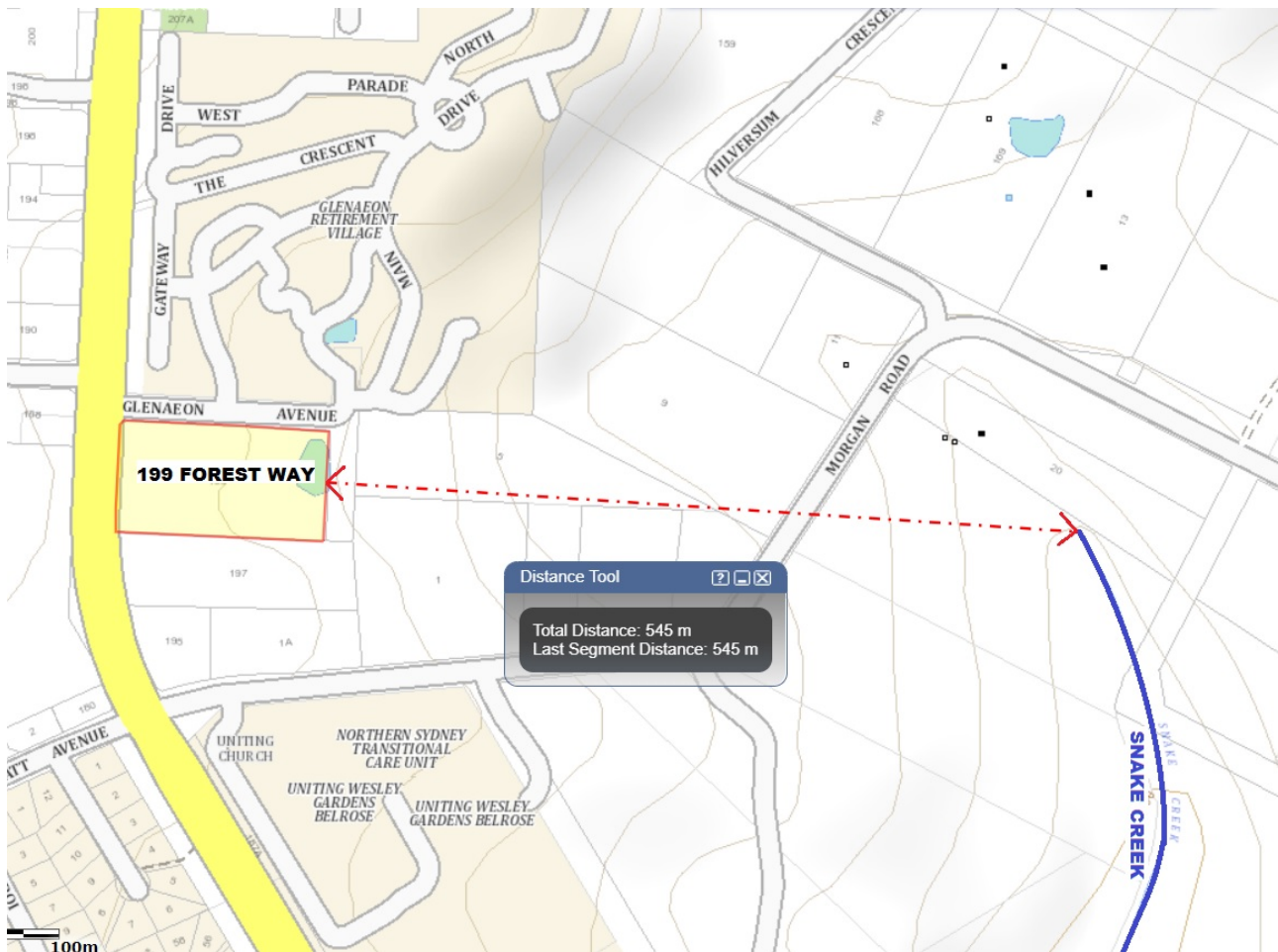


Figure 1: Site is located approximately 550m from the closest downstream classified watercourse, Snake Gully Creek

Stormwater and Water Management Issues

Cardno and Wood and Grieve
Engineers

ATTACHMENT C: STORMWATER AND WATER MANAGEMENT ISSUES

Summary of Council Issue for both 199 and 207 Forest Way (Pages 14, 15 and 19 of Assessment Report)

The Stormwater drainage proposal does not comply with the 'Warringah Council On Site Detention Technical Specification'. No DRAINS modelling has been submitted. Further in the case of 199 Forest Way, the position of the downstream outlet structure/headwall will have a hydraulic and environmental impact on the downstream vegetation. The construction of an additional stormwater drainage line in Forest Way and Glenaeon Avenue is also not supported as it proposes to divert upstream catchment flows to a different catchment which would result in downstream flooding of the existing retirement village.

Applicant's response for 199 Forest Way

Wood and Grieve Engineers (W&G) have reviewed the stormwater design and system against Council's Warringah Council On Site Detention Technical Specification' and confirm that the proposal is designed to comply with the specifications of the policy. DRAINS modelling for 199 Forest Way was prepared and submitted to Council as part of the Amended DA Package and reissued via email on 14 March 2019.

Council actually references the fact that DRAINS modelling was submitted on 8 February 2019 at page 6 of its report and has ignored this modelling in then recommending refusal on the basis of a lack of DRAINS modelling for 199 Forest Way.

W&G have prepared a response statement addressing Council's outstanding issues and providing additional clarifications. In summary, the response concludes that the Stormwater Management Report (submitted as part of the Amended DA package) confirms that the proposed system will mimic the existing hydrological regime both upstream and downstream from site while also attenuating the overall increase in peak discharge rates post development. Importantly, the new system is designed to significantly improve water quality of stormwater discharge from the site. In this regard, the new system will offer an enhanced positive downstream environmental outcome from a stormwater perspective and no increased risk of flooding.

Applicant's response for 207 Forest Way

Cardno has reviewed the proposed 207 Forest Way stormwater system against Council's Warringah Council On Site Detention Technical Specification' and confirmed that the proposal will comply with the specifications of the policy. DRAINS modelling for 207 Forest Way was submitted to Council as part of the Amended DA Package and was also reissued by email on 14 March 2019.

Again, Council actually references the fact that DRAINS modelling was submitted on 8 February 2019 at page 6 of its report and has ignored this modelling recommending refusal on the basis of a lack of DRAINS modelling for 207 Forest Way.

It is noteworthy that in response to Council's early referral comments, the project team prepared and submitted revised stormwater detention basin plans with a reduced footprint and the intent of enhancing the overall development's ecological and biodiversity outcomes (as part of the Amended DA Package). It is therefore evident that extensive efforts have been made by the project team to accommodate and address Council's concerns since DA lodgement.

Cardno's Response Statement confirms that the proposed drainage network manages the stormwater on the site and includes water quantity and quality treatment that exceed Council's standards. The proposal will result in an overall improvement in stormwater quality and capacity

compared with the existing site conditions. The amended drainage basins will provide for enhanced ecological outcomes compared with the existing degraded manmade gabion ponds. This in turn will benefit the existing overall site and the downstream Snake Creek catchment.

Accordingly, the Panel can be confident that the proposal meets clause 76 (Management of Stormwater) of WLEP 2000. Furthermore, the Panel can also be confident that the proposed development will not create siltation or pollution of Snake creek or Narrabeen Lagoon catchments and the ecological values of these natural watercourses are maintained consistent with the Desired Future Character of the B2 Locality in WLEP 2000. Therefore, the Panel can grant consent.

In addition, the applicant believes the above stormwater can be readily managed via the design and by conditions of consent. The applicant has raised no issue with the draft stormwater conditions 17, 19, 68, 70, 71, 72 and 73.

16 April 2019

To: Sydney North Planning Panel

DEVELOPMENT ENGINEERING REFERRAL DA2018/1332

207 Forest Way – Stormwater Drainage

Cardno were engaged by Lendlease Retirement Living to undertake the design and assessment of the stormwater drainage infrastructure network for the Retirement Village Precinct, located at 207 Forest Way. This scope of works included assessing the existing site stormwater drainage network (including the existing 270+ unit retirement village and the external stormwater networks for Glenaeon Avenue and Forest Way) as well as designing the proposed project's new stormwater system that meets all required standards of the Northern Beaches Council (NBC).

The stormwater design and supporting information was submitted to council as a part of DA2018/1332, including Cardno's Civil Infrastructure Report and Civil Works Package Drawings, dated 27/07/2018. Since this initial information was provided Cardno has responded to an initial Council referral response in November 2018 and a second council referral in March 2019. This letter outlines how Cardno has not only modified its design to address council's concerns but outline its belief that sufficient documentation and assessment has been provided for SNPP to provide a positive recommendation of approval for DA2018/1332 as it relates to this matter.

Existing Conditions

The existing Glenaeon Retirement Village's piped stormwater network manages stormwater flows from the following catchments: Forest Way, Glenaeon Avenue, the existing 270+ unit Glenaeon Village. At the low point of the south-eastern portion of 207 Forest Way are three very large (3+metre high and 28m+ long) manmade gabion-dam drop-structures, which also form two detention/sedimentation basins. These were designed, approved and constructed in conjunction with the construction of the 1st stages of the exiting village 30 years ago. This infrastructure (dams, basins) and the road that runs alongside them (South Drive) required extensive construction and earth works transforming this portion of the site into what you see today; an extensively developed and integral part of the existing village and its appurtenant stormwater infrastructure, greatly modified from its natural state, i.e. its former state of being a bush covered hillside below a rock outcropping as evidenced in the historic photos of the area.

Current Flows, Detention and Water Quality

The current flows directed into the basins and then directed off-site into the Snake Creek catchment are the result of a manmade and fully artificial pipe and pit stormwater network that collect stormwater from the catchments of the existing Glenaeon retirement village, Forest Way and Glenaeon Avenue. NBC in fact rely on this drainage network and its stormwater detention/settlement system to manage flows from Glenaeon Avenue and hold an easement over this system for this purpose. Lastly, from Cardno's investigations, it's apparent that no water quality controls other than sedimentation occurs with the current system, i.e. no treatment is provided to collect other pollutants such as gross pollutants, total suspended solids, nitrogen or phosphorous.

Proposed Stormwater and Water Quality System

The Development Application (DA) submitted to NBC included upgrading the detention and water quality treatment on the site by providing a system that included primary and secondary water quality treatment train to treat gross pollutants, nitrogen and phosphorous prior to discharge into a single detention basin from not only the site but the Glenaeon Avenue/Forest Way catchments. The proposed water quality and quantity treatment infrastructure would replace the two existing on-site sediment/detention basins, providing a consolidated single-basin solution that exceeded current NBC guidelines and vastly improved on the existing treatment system. Thus, providing a better overall outcome than today's existing 3-dam, 2-basin system.

Responding to Council Feedback: Following the submission of the DA and the stormwater design it contained Cardno received the council's first referral and undertook to arrange a site visit with NBC engineering staff on Monday 19th November 2018. At this meeting discussions in regard to ways to improve the submitted design occurred and NBC staff also noted that the DA was missing some drainage design models. Following the onsite meeting Lendlease and Cardno identified an opportunity to improve the DA design by:

- > Re-designing the proposed single detention basin into two smaller basins that fit more sympathetically into the existing site topography. The basins were designed step down the site to reduce cut and fill and preserve a few additional trees to that of the DA proposal;
- > Formalising the landscape and basin design to more closely mimic a riparian environment replacing the otherwise weed infested existing drainage/detention system. This improved and native habitat provided by the basins and purposely designed flow path through the basins running to the project boundary will also be planted and maintained with suitable flora species. The net result of these enhancements would be to improve the ecological processes and biodiversity of this stormwater system, compared to the existing degraded retention basins and drainage system. This is consistent with the DCP Objectives; and
- > Cardno's assessment, design and documentation of the proposed stormwater drainage network has been issued as a report, drawings and modelling files to NBC. The assessment, design and documentation of the proposed stormwater

network is compliant with "Warringah Council On-Site Detention Technical Specification" Clauses 3.3, 4.2 and 4.4. It appears that NBC have not assessed the second referral response information provided. This documentation is compliant with NBC's technical guidelines and meets the referral requirements.

Conclusion

It's Cardno's assessment that the stormwater drainage network has been designed in accordance with NBC requirements and meets the referral requirements. The proposed drainage network manages the stormwater on the site and includes water quantity and quality treatment that exceeds NBC standards, resulting in an improvement in stormwater runoff quality and capacity compared with the existing site conditions that treat sediment and water quantity. The proposed drainage basin design provides for enhanced ecological outcomes compared with the existing degraded manmade gabion detention/settlement ponds, benefiting not only the environment of the Glenaeon Retirement Village site but the entire downstream Snake Creek catchment.

Yours sincerely,



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ENQUIRIES: IAN HARRIS
PROJECT NO: 30916-7

17 APRIL 2019

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**Response to Northern Beaches Council Referral Comments for DA2018/1332
Development Engineering Referral 199 Forest Way – Aged Care Precinct**

Wood & Grieve Engineers are engaged as the Civil Engineering Consultant for the 199 Forest Way, Belrose development. As part of the engagement Wood & Grieve Engineers prepared the proposed stormwater management design for the development in support of the DA application.

This letter has been prepared in response to Northern Beaches Council's Development Engineering Referral (199 Forest Way) dated 6 March 2019 and Natural Environment Referral (199 Forest Way) dated 14 March 2019.

Wood & Grieve Engineers offer the following summary in response to the Referral comments in support of our technical assessment that the Stormwater Management for the proposed development is an acceptable solution which not only maintains existing overland flow hydrology but also provides a treatment system for water discharging into the downstream waterway providing cleaner water to the waterway than in the existing case.

Development Engineering Referral (199 Forest Way)

Council's Referral comments maintain that the discharge of the proposed stormwater management system will have a hydraulic and environmental impact on the downstream vegetation which has not been quantified or assessed for environmental impact.

Wood & Grieve Engineers have confirmed in their Stormwater Management Report dated 4th February 2019 that the proposed discharge will mimic the existing discharge from the site. The report confirms that currently stormwater flows to the man made pond on the site with overflows from the pond being piped to a discharge point east of the 199 Forest Way site. The proposed stormwater management system will attenuate the increase in peak discharge rates post development back to that of the current site and discharge from the attenuation infrastructure will be piped to a discharge point east of 199 Forest Way. In addition to mimicking the existing discharge from the site the discharge from the stormwater system will be passed through a stormwater treatment system to remove pollutants from the water. This will result in the stormwater discharging from the site containing less pollutants than in the current scenario.

Council's Referral comments that the proposed construction of an additional drainage lien in Forest Way and Glenaeon Avenue would not be supported as there was concerns regarding the potential impact of flooding the existing retirement village.

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Following the receipt of council's rejection of the proposed stormwater realignment Wood & Grieve Engineers have undertaken further investigation in relation to the existing stormwater drainage infrastructure in Forest Way. The result of this investigation being that the stormwater realignment in Forest Way and Glenaeon Avenue will not be required to enable the proposed development. The existing drainage network in Forest Way continues to the south along Forest Way and this will be retained following the development. The current tap in to the Forest Way drainage network from the 199 Forest Way site is not an authorized formal connection, it is used to feed stormwater into a garden ornament and then feed the man made recirculating garden water feature and pond and it is not required for the Forest Way drainage network. The tap in will be removed as part of the proposed development with the upgraded pond now being fed by runoff from the site and the proposed age care facility developed on it. This results in the current drainage system along Forest Way and Glenaeon Avenue being retained as it currently exists with no increase or shifting of storm water into new catchments. Thus there is no increased threat of flooding.

Natural Environment Referral (199 Forest Way)

Council's Referral comments maintain that the man made channel which runs through the 199 Forest Way site is an important flow path of the Snake Creek headwater and that impacting this flow path will impact on flooding and the existing hydrological regimes within the area.

Wood & Grieve Engineers analysis (along with that of Cardno in their Riparian Assessment Letter dated 16th April) of the existing hydrological regimes through and surrounding the site confirm that the existing man made recirculating water feature with its associated concrete lined channels and concrete lined artificial pond were a purely decorative landscape element. Inspection of the site clearly shows that the channel has been constructed to form a controlled flow path for stormwater to be directed to the pond. Removing the flow path will not alter the current route of overland flow on either Forest Way nor Glenaeon Avenue which means the risk of flooding is in no way increased by the development. Further, as previously noted in this letter the discharge from the east of the site will be maintained in terms of quantity, location and discharge type to that of the existing scenario which means that the downstream hydrology will not be impacted by the proposed development. In addition to this the proposed stormwater management system incorporates a water quality treatment system which will improve the quality of the water discharging from the site into the downstream catchment. The proposed system also maintains the existing body of water held within the man made pond on the site and the existing land form surrounding this pond.

Conclusion

It is Wood & Grieve Engineers professional opinion based on the information provided in the projects Stormwater Management Plan and as summarised above that the proposed stormwater management system for the development will maintain the existing hydrological regime both upstream of the development on Forest Way and downstream of the development to the east. Wood & Grieve Engineers confirm that the existing man made channel through the site is currently used to feed the man made pond on the site and the channel can be removed without impacting on the overall hydrological regime of the area. The pond will now be fed by runoff from the proposed development building. In addition the proposed stormwater management system will incorporate a stormwater treatment system meaning that the water discharging into the man made pond and subsequently to the downstream catchment will contain less water borne pollutants than the existing scenario.

It is Wood & Grieve Engineers professional opinion that the proposed stormwater management system which will be incorporated into the proposed development will have a net beneficial impact on the hydrological regime in the area and will also have a beneficial impact on the environment.

Further detailed responses are provided in the response matrix submitted with this letter.

We trust that this information is sufficient for your purposes, however should you have any queries in regards to this report please feel free to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Harris', with a stylized, cursive script.

Ian Harris
for **Wood & Grieve Engineers**

Encl

cc

Biodiversity and Bushfire Issues

Keystone Ecological and Building
Code & Bushfire Hazard
Solutions

ATTACHMENT D: BIODIVERSITY ISSUES (INC. BUSHFIRE)

Summary of Council Issues for 199 and 207 Forest Way (Pages 17 and 18 of the Council Assessment Report)

Council does not support the proposal in light of the biodiversity impacts associated with the Asset Protection Zone (APZ), Building D, and the detention basins and more specifically, the overall impact of the development on the bushland, rocky areas, hollow-bearing trees, and riparian habitats east of the site. On this basis, Council does not support the application as the proposal is inconsistent with Warringah Local Environment Plan 2000 Clauses 56 Retaining distinctive environmental features on sites, Clause 58 Protection of existing flora, as well as the requirements of Planning for Bushfire Protection 2006.

Applicant's response for 199 and 207 Forest Way

Having carefully reviewed Council's March Referral on Biodiversity matters, the applicant and the project ecologist, Keystone Ecological together with the project Bushfire consultant, Bushfire Code and Bushfire Hazard Solutions, are of the opinion that Council has misinterpreted the development proposal, particularly in relation to the proposed APZ, Building D and detention basin matters.

Accordingly, Response Statements have been prepared by Keystone Ecology and Bushfire Code and Bushfire Hazard Solutions with the intent of clarifying the misinterpreted matters for the SNPP and Council. In summary, these advise as follows:

- **APZ:** Currently, the bushfire hazard reduction across the site is managed by a set of ad-hoc responses imposed by the local Rural Fire Service (RFS). The DA provides an opportunity to formalise the bushfire hazard works into an APZ, which establishes certain additional environmental controls / frameworks around better managing hazard reduction works. The principal benefit of establishing a formal APZ on site is the opportunity to offset the APZ works area in accordance with the Biodiversity Offset Scheme (BOS). As such, the DA and the proposed APZ will not result in an adverse impact from a biodiversity perspective. Rather, the proposed APZ will regulate uncontrolled / adverse biodiversity impact around this part of the site. In this regard, the proposal will offer an improved outcome from a bushfire perspective and the proposed APZ should be implemented regardless of the proposed development. We note that the project ecologist, arborist and bushfire consultant have worked in close consultation to achieve the intended outcome. The APZ is designed to have a minimal environmental impact by prioritising weed removal and retention of high value trees.
- **Building D:** The location of Building D does not alter the overall precinct wide APZ. As such, any deletion of the Building D will not result in an improved biodiversity outcome. The building footprint is largely within the site's existing engineered detention basin. As evidenced by the historical Parish map of 1914, Building D's footprint occupies a relatively small area (approximately 200m²) and will not occupy historical or current riparian lands. The upper basins are currently occupied by weed species and provide little in the way of habitat for native flora or fauna. Building D does not directly impact rocky habitat that has the potential to be used by microbats and is sufficiently distant from such habitat to avoid and minimise indirect disturbances.
- **Detention Basin:** Unlike the detention basins in place now at 207, the proposed detention basins have been designed as "green infrastructure", using the combined expertise of the three disciplines of engineering, landscape architecture, and ecology. The proposed system allows for the adequate control of stormwater while also delivering a complex array of aquatic, semi-aquatic, and terrestrial habitats, suitable for native fauna (but particularly frogs and birds) and planted out with locally-native species.

In summary, the proposal will not result in an adverse biodiversity outcome for the site. Instead, the works aim to provide an overall enhanced ecological outcome, stormwater quality and bushfire management practices compared with the existing site conditions. It is also noteworthy that RFS have provided approval for the development under Section 138 of the *Rural Fire Services Act 1997* and confirmed that the development is in accordance with the requirements of Planning for Bushfire Protection 2006.

Accordingly, the Panel can be confident that the proposal meets clause 58 (Protection of existing flora), clause 60 (Watercourses and Aquatic Habits) and clause 76 (Management of Stormwater) of WLEP 2000. Furthermore, the Panel can also be confident that the natural landscape including vegetation will be protected and the ecological values of natural watercourses are maintained consistent with the Desired Future Character of the B2 Locality in WLEP 2000. Therefore, the Panel can grant.

17th April 2019

**RE: Northern Beaches Council Natural Environment Referral Response – Biodiversity
DA2018/1332**

Keystone Ecological has been contracted by Lendlease since 2015 to contribute early in the design process for the redevelopment of Glenaeon Retirement Village at 207 Forest Way Belrose, and the development of an aged care facility at 199 Forest Way. That advice regarding the conservation and protection of important ecological features in the development context has been provided as part of an iterative design process involving many disciplines.

It has ultimately resulted in the latest set of reports as part of DA2018/1332, being the Biodiversity Development Assessment Report (or BDAR, dated 7th February 2019) that addresses the *Biodiversity Conservation Act 2016*, and the Biodiversity Impact Assessment Report (or BIA, dated 7th February 2019) that addresses matters raised under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Warringah Local Environmental Plan 2000*.

This letter is now provided to assist the Northern Joint Regional Planning Panel in their decision regarding this DA and, as part of that process, assist in the interpretation of the Natural Environment Referral Response – Biodiversity (NERR-B), prepared by Northern Beaches Council (NBC), dated 22nd March 2019. It is noted that the NERR-B reiterated Council's commentary from 8th November 2018, although concerns raised at that time were addressed in the set of redrafted ecological reports listed above. The March commentary is a summary of new matters plus those considered by Council to be outstanding from the November referral response; therefore, only the March commentary is addressed here.

Council is concerned in general about the biodiversity impacts of the Asset Protection Zone (APZ), Building D, and the detention basins; and specifically, about the impacts on high quality bushland, rocky areas, hollow-bearing trees, and riparian habitats.

However, Council is mistaken in its interpretation of the nature, scale, and consequences of these elements of the proposal.

APZ. Fuel reduction works in the bushland are not driven by the DA; instead they are a result of the existing retirement village and the existing bushfire hazard, and will continue irrespective of the DA. Currently, the bushfire hazard across the site is managed by a set of ad hoc responses imposed by the local Rural Fire Service.

The DA has provided an opportunity to formalise the works into an APZ, along with the additional environmental controls facilitated by an APZ. The proposed APZ works in the bushland have been identified specifically and in detail for the site by direct field-based consultation between the ecologist, bushfire specialist, and arborist.

The superior environmental outcomes resulting are many, and include:

- survey for threatened flora and fauna and their habitats;
- recognition and protection of valuable habitat features for important fauna species such as Eastern Pygmy Possum and Large-eared Pied Bat;
- identification and retention of high priority trees such as hollow-bearing trees;
- prioritisation of the removal of weeds to minimise the need for removal of native vegetation;
- recognition and mapping of important rocky habitat; and
- mandating of the use of low-impact, manual methods that will minimise the risk of soil erosion.

However, the additional overwhelming advantage of the imposition of a formal APZ, is the opportunity to offset the APZ works area in accordance with the Biodiversity Offset Scheme, which has been detailed in the BDAR.

Under the current management regime of regular burning and / or uncontrolled manual fuel reduction, the better environmental outcomes could only be achieved by chance rather than by design, and the offset mechanisms would not be available at all.

The proposed APZ does not represent an optional or unacceptable impact on high quality bushland, rocky areas, hollow-bearing trees, and riparian habitats. Instead, it allows for otherwise uncontrolled and unavoidable impacts to be formalised, minimised, offset, and enforceable as part of consent conditions.

Building D. The presence of Building D does not predicate the need for the APZ, nor does it intensify the APZ treatment. The majority of its footprint is within the existing detention basin, which is itself an entirely artificial structure. It does not occupy historical or current riparian habitat, as evidenced by the historical Parish map of 1914 and aerial photography from 1970.

The upper basin is currently occupied by weed species and it provides little in the way of habitat for native flora or fauna. A narrow band of clearing of native vegetation with two hollow-bearing trees around the edge of the current basin will be impacted by the footprint, but this is a small-scale loss that will be offset by the proposed offsets package, and the installation of replacement nest boxes.

Building D does not directly impact rocky habitat that has the potential to be used by microbats and is sufficiently distant from such habitat to avoid and minimise indirect disturbances.

Detention Basins. The current set of three detention basins / gabion baskets are characterised by high vertical walls and cold water constantly shaded by weeds. Unlike the detention basins in place now, the proposed basins below Building D have been designed as “green infrastructure”, using the combined expertise of the three disciplines of engineering, landscape architecture, and ecology. The proposed system allows for the adequate control of stormwater while also delivering a complex array of aquatic, semi-aquatic, and terrestrial habitats suitable for native fauna and planted out with locally-native species.

For example, shallow running channels and still ponds with fringing vegetation are design features of the new basins that will deliver superior fauna habitat, but particularly breeding habitat for frogs. The water treatment delivered by the current basins is rudimentary, and the improved water quality in the new system will be of advantage to all aquatic species, but particularly for frogs. The Red-crowned Toadlet and the Giant Burrowing Frog are just two threatened frog species known from the local area that are sensitive to untreated urban run-off. The improved design of the new basins will provide suitable habitat for many frog species, not just the handful of common urban generalists observed on site.

The proposed detention basins are located almost entirely in the weedy area currently occupied by the existing basins, but will require the loss of a narrow band of native vegetation around its edges. Similar to Building D, this is a small impact area that will be offset, is distant from important habitat features, and the loss of up to 3 hollow-bearing trees will be compensated for by the installation of nest boxes.

It is important to note that even in the absence of Building D, the existing detention basins would need to be modified and enlarged to provide stormwater management in accordance with modern standards.

Overall, the proposal is designed to avoid impacts where possible, but acknowledges the unavoidable impacts of existing and future bushfire hazard management, and the essential upgrading of the stormwater controls. In these instances, the proposal has provided a mechanism to minimise and ameliorate those impacts through the formalization of the APZ, and the design of the detention basins as green infrastructure.

Council has also proposed an extensive set of consent conditions that reflect the ameliorative mechanisms detailed within the ecological reports. These are considered to be adequate and achievable.

The final step in the ecological assessment process is achieved by the application of the Biodiversity Offsets Scheme. This has allowed for the inevitable impacts that would occur even in absence of the DA to be now offset by the retirement of sufficient and appropriate biodiversity credits. This offset can only occur as a consequence of this DA.

In my opinion, this proposal is consistent with the relevant legislative requirements to avoid and minimise ecological impacts, it protects important habitats and landscape features, and provides an enforceable mechanism to achieve these goals.



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Lendlease
Exchange Place, 300 Barangaroo Avenue
BARANGAROO NSW 2000

23rd April 2019
Our Ref. 160107

**Re: GLENAEON RENEWAL DEVELOPMENT
PRECINCT 199 FOREST WAY & PRECINCT 207 FOREST WAY, BELROSE NSW 2085
RESPONSE TO NORTHERN BEACHES COUNCIL REFFERAL COMMENTS FOR
DA2018/1332**

This letter has been prepared by BCBHS in response to Northern Beaches Council Referral Comments for DA2018/1332. Specifically this letter addresses the Natural Environment Referral Response – Biodiversity, Planning for Bush Fire Protection 2006.

Building Code & Bushfire Hazard Solutions P/L (BCBHS) was engaged by Lendlease early in the site investigation phase of this proposal as it was established from the onset that key objectives would be minimising environmental impact and providing not just technical compliance with Planning for Bush Fire Protection 2006, but ensuring a better bushfire safety outcome for the entire village. BCBHS has worked alongside Keystone Ecological (engaged ecologist) to ensure these objectives were achieved and maintained throughout the design process.

These key objectives underpinned the design for both the 199 Forest Way Precinct and 207 Forest Way Precinct.

Early activities for this proposal included BCBHS and Lendlease representatives meeting with the NSW Rural Fire Service (RFS), via their Pre-DA Advice pathway, to ensure the application would address any specific additional considerations they deemed appropriate. At this stage it was reaffirmed by the RFS that the proposal must achieve a better bushfire outcome for the entire village than if the development did not proceed, which included the formalisation of the Asset Protection Zones (APZs) onsite.

This culminated in BCBHS preparing the Bush Fire Assessment Report (ref 160107, dated 9th August 2018) which formed part of the submission package for this matter. We have also provided a statement (dated 14th December 2018) to Council which clarifies the APZs which form part of this application.

It is important to note that the RFS have assessed this proposal and issued their General Terms of Approval under Division 4.8 of the 'Environmental Planning and Assessment Act 1979' and Bushfire Safety Authority under section 100B of the 'Rural Fires Act 1997' (ref D18/6902, dated 17th October 2019). Collectively the entire consultation period with the RFS has seen the proposal reviewed by a Development and Assessment Officer, an Acting Team Leader, a Team Leader and the Manager of Planning and Environment Services at the NSW Rural Fire Service.

We are of the opinion that the proposal demonstrates compliance with all relevant specifications and requirements of Planning for Bush Fire Protection 2006 and that the North Sydney Planning Panel can provide a positive recommendation of approval in regards to this matter.

The existing village is listed as an 'Extreme' risk and '1A' priority under the Warringah Pittwater Bush Fire Risk Management Plan 2010, being the highest possible rating and priority allocation. However, the only formal APZ that currently benefits the existing village is to the east of the community centre for a distance of 10 metres (D13/0263).

The Warringah Pittwater Bush Fire Management Committee in acknowledging the threat to the existing village has listed various treatments (community education, hazard reduction (mosaic burning program and Asset Protection Zones), ignition management and preparedness). These treatments are implemented when possible due to a range of factors (budget, resources etc).

The proposal includes the formalization of the APZ - an ongoing responsibility for Lendlease to manage all grounds within the existing village in a fuel reduced state as an APZ, that will provide protection to not only the proposed new structures but existing buildings as well and reduce the overall risk to existing residents, fire-fighters and neighbouring properties.

Nevertheless regardless of the proposal, Lendlease has a responsibility to provide reasonable bushfire protection to its residents and given the majority of the existing buildings pre-date bushfire planning controls there is a higher reliance on property maintenance. Property maintenance is also one of the most effective treatments available to mitigate bushfire impact.

Notably the property maintenance forming part of the proposal has resulted in a far more thorough environmental assessment / consideration, than if the process was undertaken by other pathways (e.g. s100F *Rural Fires Act 1997*). This was achieved by detailed mapping of the APZ treatment.

In this regard a joint site inspection was held between Elizabeth Ashby (ecologist, Keystone Ecological), Melanie Howden (arborist, Footprint Green) and Stuart McMonnies (Building Code & Bushfire Hazard Solutions) to ensure an effective APZ would be created with the least impact as possible to the environment. This involved prioritising weeds and noxious species for removal and ensuring retention of high value trees.

It is also further noted that the APZ forms only part of the overall better outcome package for the village, with the overall better bushfire outcome package being:

- The demolition of twenty-four (24) existing apartments which predate any bushfire construction provisions, fifteen (15) of which are currently located in the Flame Zone.
- The entire site will be conditioned to be maintained in accordance with an APZ, which will result in:
 - a. The community centre within Precinct 207 Forest Way, a large portion of the serviced apartment building (which comprises of fifty-one (51) serviced apartments, meeting areas and administration), and six (6) existing apartments which will be retained no longer being within the designated Flame Zone,
 - b. Reduced bushfire threat to the site and neighbouring private residential allotments.
- A Fuel Management Plan will be provided prior to the issuing of an Occupation Certificate,
- All new construction to comply with the relevant Bushfire Attack Level under Australian Standard 3959 'Construction of buildings in bushfire-prone areas' 2009,
- The internal road network will be improved for the movement of fire appliances and other emergency service vehicles.

- The proposed maintenance trail adjacent Precinct 199 Forest Way will improve fire-fighter access for not only the subject site but also for neighbouring properties,
- New hydrant sizing, spacing and pressures are to comply with AS2419.1 – 2005,
- Improved emergency management arrangement which includes:
 - a. A new emergency management plan will be provided prior to the issuing of an Occupation Certificate addressing the Glenaeon Renewal re-development,
 - b. Improved assembly locations being the existing Precinct 207 Forest Way Community Centre (previously in the Flame Zone and now at $<10\text{kW/m}^2$) and new Residential Aged Care Facility.
- Ember upgrade to the existing nine (9) apartments which are to be retained in the south-eastern corner of the site. This would involve screening operable windows, vents and weepholes within aluminium, steel or bronze metal mesh, installing draught excluders on side-hung doors, and sealing or screening any other gaps $>3\text{mm}$.
- The proposed Precinct of 199 Forest Way Residential Care Facility will accommodate the progressive relocation of higher need residents from the serviced apartment building which is located within the Flame Zone to the new building which will comply with PBP.

Council has correctly identified that the Precinct 207 Forest Way site is eligible for assessment under section 4.2.5 'SFPPs as infill' of PBP as it relates to the redevelopment of an existing SFPP development approved prior to 1st August 2002.

In the referral comments Council has assessed 'the new building' as being closer to the hazard, within the Flamezone and consequently is of the opinion that it does not satisfy the objectives of Planning for Bush Fire Protection 2006 (PBP). In this regard s4.2.5 of PBP states:

The new building work should comply with AS 3959 - 1999 (and Appendix 3 of PBP) or be no closer to the hazard than the existing building.

Note 01: AS3959 – 1999 has been superseded by the 2009 version.

Note 02: Compliance with AS3959 is achieved if the new works are not within the designated Flame Zone.

As acknowledged by Council the 'hazard exists as native vegetation (Forest), both on site and within the adjoining lots less than 100 metres to the east and south-east.' The result of the bushfire hazard onsite is that several dwellings onsite are currently located within the designated Flame Zone.

This management also results in the bushfire 'hazard' interface being redefined to the property boundary rather than including vegetation within the subject site.

The proposed formalized management of the APZ and subsequent redefined hazard interface results in no new building works being located within the designated Flame Zone and all building works being located further from the hazard interface.

Council has also raised concern regarding the reported vegetation structure and effective slope to the east. Following the proposed vegetation management (APZ) onsite the residual vegetation is considered to achieve the threshold for 'Remnant' vegetation as described in A2.3 of PBP, being that it provides a less than 50 metre fire run toward the development. This classification allows for a Rainforest structure to be used to determine the Asset Protection Zones and Bushfire Attack Level. In accordance with A2.3 of PBP the effective slope is also measured along the length of the Remnant. Our assessment has been reviewed and approved by the NSW RFS and we are confident of its application.

Reference is also made by Council to the existing development relying upon an APZ within an adjoining allotment to the south. The proposal has no reliance on the informal APZ to the south of the existing village. Furthermore the proposal does not rely on any APZs that would extend off site to the east.

We are of the opinion that the proposal not only demonstrates technical compliance with Planning for Bush Fire Protection but will also result in a significantly better bushfire safety outcome for the existing village.

Should you have any questions or require any further detail please do not hesitate in contacting us.

Prepared by
Building Code & Bushfire Hazard Solutions



Stuart McMonnies
Manager Bushfire Section
G. D. Design in Bushfire Prone Areas.
Certificate IV Fire Technology
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Reviewed by
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Landscape Issues

Scape Design

ATTACHMENT E: LANDSCAPE ISSUES

Summary of Council Issue (Page 15 of Assessment Report)

The development at 207, specifically Building D and the stormwater basin will result in tree impacts, as well as adversely impact beyond the footprints indicated on plan. On this basis, Building D is to be deleted and the area below the escarpment should be retained and rehabilitated to preserve and enhance the natural features of the site in light of the overall intensification of the site, and in keeping with the planning controls.

Applicant's response for 207 Forest Way

Scape Design has prepared a Response Statement addressing the additional landscape issues raised within Council's Assessment Report and March Referral comments. The response concludes that Council's claims are unwarranted.

Overall, it is inaccurate to claim that the application results in an intensification that is not in keeping with the planning controls of the site. The proposal provides approximately 59% of landscaped open space while the WLEP 2000 provision only requires 30% landscaped open space. Further, the overall housing density standard proposed for 207 Forest Way is 0.44:1, of a possible 0.5:1 FSR (under clause 29 of the WLEP 2000). This numerical compliance confirms that the proposed development falls well within the intensity of development expected under WLEP 2000.

Although some trees will be removed as part of this proposal, Scape Design has worked with both the project ecologist and bush fire consultant to minimise native tree removal and adequately address tree replacement, offsets and other measures to ensure a compliant ecological outcome.

As discussed in Attachment B – D above, Building D and the stormwater basins are not located on riparian land. The building and the basins will not adversely impact the site from a biodiversity perspective. Instead, the proposed stormwater basins have been designed to offer an enhanced and superior environmental outcome by reducing footprint and removing weed species that currently surround the existing basins, intensifying the diversity of the plantings and improving the habitat for frogs and birds and improving water quality of any stormwater discharge.

Accordingly, the Panel can be confident that the proposed development unambiguously meets the landscaping requirement of the Desired Future Character Statement of the B2 Locality in WLEP 2000. Also, the proposed development substantially exceeds the minimum 30% landscaped open space standard of WLEP 2000. Therefore, the Panel can grant consent.

17 April 2019

Lendlease Retirement Living
Level 14, Tower Three, International Towers Sydney
Exchange Place, 300 Barangaroo Avenue, Barangaroo NSW 2000

Attention: Leah Cleary | Senior Project Manager, User Experience, Building
CC: Scott Mackay | Development Manager, Retirement Living

**RE: NORTHERN BEACHES COUNCIL REFERRAL V2 - GLENAEON VILLAGE
REVITALISATION - 207 FORESTWAY, BELROSE - LANDSCAPE**

In response to council's V2 referral comments to DA 2018/133 received on 07/03/19 for 207 Forestway, Belrose, we offer the following to summarise the key aspects of the landscape response.

The initial DA submission lodged with Northern Beaches Council resulted in responses to the landscape design, which crossed over into various other disciplines and was subsequently addressed in the period leading up to March 2019. An integrated design approach was undertaken in response to the issues raised, a summary of which can be found in the appendix to this letter. The primary comments relating to landscape are summarised below, with specific responses tabled in the attached appendix.

INTRODUCTION

SCAPE Design Pty Ltd were commissioned by Lendlease to provide landscape architecture services for a proposed expansion and revitalisation of the existing Glenaeon Village in Belrose at 207 Forestway, Belrose. An integrated design process has been undertaken across the entire consultant team, including planning, architecture, ecology, bush fire, civil, hydraulic, structural, electrical, traffic and budgetary. The landscape design has been developed with input from the consultant team, in particular the project ecologist, in terms of providing a design that sensitively addresses ecological requirements, in order to accommodate the design proposal into a site we recognise has sensitive and site-specific landscape, flora and fauna qualities. This has in turn has informed the civil/hydraulic engineering design, in particular, changes to the previous design that have addressed the most recent council referral comments. Overall, we believe the landscape design improves the site visually, utilises as much as possible areas that have already been disturbed and complements the intrinsic qualities of the natural surrounds.

The project team's investigations and integrated design approach, have demonstrated that:

- The site is valued for its intrinsic landscape qualities and unique flora and fauna. This is to be preserved and reinforced as a key selling point of the development
- Plant species selections that interface with bushland are locally native and have been selected based on the project ecologist input
- Landscaping and plant species selections have taken in to account the required Asset Protection Zones (APZ), based on the project bushfire consultant's input and based on that assessment, would therefore improve the general safety of the village
- We understand from the bushfire consultant that Building D does not contribute to an increased APZ
- The water quality basin design, which has been revised from its initial DA single pond design to its later submitted two smaller pond design referred to in this V2 referral response, took into account council's comments and the resulting 'green infrastructure' approach in the latest design has resulted in not only a reduced footprint, but a greater diversity of endemic planting options and habitat outcomes for micro-fauna
- The volume of water run-off departing the site will be similar or less than the existing development and substantially improved in terms of water quality due to the bio-filtration that the proposed water quality basins would provide
- Although trees will be removed as part of this proposal we worked with both the project ecologist and bush fire consultant to minimise tree removal and adequately address tree replacement, offsets and other measures to ensure a compliant ecological outcome

- The precinct development is not considered 'intensive' in terms of planning controls. Landscape open space is approximately 59% of the site area, which is almost double the minimum requirement and achieves an FSR of 0.44:1, which is well below the acceptable FSR of 0.5:1 as advised by the project planner.

We expand on the two key points, being the water quality basins and Building D below in the following text.

WATER QUALITY BASINS

The proposed basin design replaces the existing detention/settlement ponds and three gabion rock dams with two new water quality basins that have been designed by the civil/hydraulic engineers, project ecologist and landscape architect as a 'green infrastructure' response. The latest design allows for the retention of significant trees in the adjacent bushland, mimics a more natural system in its shape and allows for a natural style of landscaping, both around the basins and on the basin floor.

The benefits afforded by the redesign include:

- An opportunity to plant a diverse array of riparian species adapted to wet and semi-dry conditions;
- Use of locally-native species appropriate to a riparian system and to the surrounding habitat, replacing the dense infestations of weeds found in the existing ponds and overflow drain
- Creation of pocket planting and habitat elements within a low flow channel at the base of the new basins.

This design response creates a diversity of habitats for fauna that are not otherwise present. This will be of advantage to many species, but especially micro-fauna, frogs and birds that can shelter and breed in amongst the diverse fringing native vegetation, woody debris and boulders.

BUILDING D

The siting of Building D has minimised intrusion to native bushland by primarily occupying the footprint of the existing detention/settlement ponds and a relatively short section of weed infested drainage line, which the project geomorphologist has confirmed should not be considered a riparian zone, nor mapped as such. This drainage line, primarily performs an overflow function for the two upper ponds into the lowest dam, is artificially created with rock and is largely colonised with weed species.

The immediate surrounds of the building will be landscaped with locally native flora as defined by the consulting ecologist, in order to visually improve the building's setting and to increase the amount of locally native flora species and to prevent weeds from reoccurring. Tree species will include the locally prevalent *Eucalyptus robusta* (Swamp Mahogany) and *Banksia robur* (Swamp Banksia) and a supported by a range of endemic understorey species that will provide habitat for micro-fauna and help to visually mitigate the development.

CONCLUSION

Following an extensive period of DA design, involving an integrated design approach of various specialist consultants, as well as redesign to address previous council referral comments and consent conditions, we believe in the context of the responses above, that the current design meets or exceeds the planning requirements as outlined in the referral.

Yours faithfully,



CHRIS HOUGHTON RLA AILA
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APPENDIX - RESPONSE MATRIX

We have reviewed the Landscape referral comments to DA 2018/133, from Northern Beaches Council and note the following specific responses:

Document	Section/ Code	Issue raised by Council	Response by Lendlease
V2 Referral comments 07/03/19			
Landscape referral response	Officer comments 207 Forestway, page 1	It is considered that Trees 27, 28, 46 around Building D will still be adversely affected with excavation up to 3m and stormwater diversion swales located within the Tree Protection Zones of the trees to a detrimental extent.	<ul style="list-style-type: none"> Lendlease are currently investigating a construction methodology, which would not involve battered earthworks to ensure the construction footprint is minimised Tree 46 (<i>Eucalyptus piperita</i>) - Is not considered to be impacted by the Building D footprint. The swale design comprises a shallow depression and bund and is not considered to require major excavation of tree roots. Alternative drainage design is currently being investigated by the civil engineer in consideration of council comments. Note: Trees 28 & 46 have been identified in the arborist report (31/7/18) as having an unstable life expectancy due to structural damage and termite activity Tree removals are well compensated, with about 44 new trees currently proposed across the development, 26 of which are locally native species. Exotic tree species are not proposed in areas abutting bushland
Landscape referral response	Officer comments 207 Forestway, page 1	The building and stormwater works are significant and construction activity will clearly impact beyond the building lines indicated on the plans.	<ul style="list-style-type: none"> Lendlease are currently investigating a construction methodology, which may reduce earthworks to ensure the construction footprint is minimised The drainage diversion bund does not impact trees that are not already removed by earthworks
Landscape referral response	Officer comments 207 Forestway, page 1	In view of the extent of intensive development already accommodated across the site and proposed intensification over already developed areas, the area below the escarpment should be retained and rehabilitated to preserve and enhance the natural features of the site in keeping with the planning controls..	<ul style="list-style-type: none"> The "intensive development" referred to is presumably allowable by the planning controls The landscape response to the development proposal, both at Building D and elsewhere, is to ensure protection of landscape values and scenic qualities across the site, particularly where high visitation will occur and in areas considered by the project ecologist to be of high ecological value

Document	Section/ Code	Issue raised by Council	Response by Lendlease
Landscape referral response	Officer comments 207 Forestway, page 1	It is still held that Building D should be deleted with environmentally sensitive overland flow paths reinstated, weeds removed and natural vegetation installed in this lower portion of the site.	<ul style="list-style-type: none"> According to the geomorphological investigations and mapping that has been undertaken, the area referred to is not and has not been a sensitive riparian area. The location that Building D would occupy picks up piped drainage from the current development, this function will be relocated to a new basining facility, with far improved outcomes for water quality Areas impacted by and in close proximity to Building D and the new basins will be landscaped with locally native vegetation comprising species advised by the consulting ecologist. No exotic planting is proposed for this area.
V1 referral comments			
Landscape referral response	Officer comments 207 Forestway paragraph 3	...the inclusion of Building D and subsequent relocation of the stormwater detention basin further down the site results in unacceptable impacts on native vegetation, mature trees and rock outcrops	<ul style="list-style-type: none"> According to the civil/hydraulic engineers, the footprint of both drainage infrastructure around Building D and the new stormwater basins have been minimised to the most efficient hydraulic design possible According to the view impact study, Building D is not visible from Wakehurst Parkway or Narabeen Lagoon Building D is accessed via existing roads and largely sits on previously developed land comprising the existing engineered stormwater basins and aims to have minimal impact on both existing native flora and rock outcrops The new stormwater basins have been redesigned to improve the local aquatic environment and to be vegetated with indigenous flora while also eliminating a number of existing weed species that reside in the existing basins The landscape design has been integrated with the revised civil design and developed, in conjunction with ecology advice, a locally appropriate design utilising endemic plant species including riparian plants suited to both wet and dry conditions and plants that will contribute to fauna habitat provision.
Landscape referral response	Officer comments 207 Forestway paragraph 4	The Landscape Plans include environmental weed species including <i>Agapanthus</i> , <i>Sapium</i> and <i>Jacaranda</i> that should be deleted from the plans. This can be done via conditions or amendments to the plans	<ul style="list-style-type: none"> These species have been removed from the landscape design and replaced with species not found on council's Exempt Species list. The current landscape proposal utilises palm trees transplanted from within the site that are not <i>Livistona australis</i> (Cabbage Tree Palm) and therefore considered "exempt species" by council. The species are valued by residents and are mature, so will contribute to landscape character and 'sense of place'. The palms are proposed to supplement tree species, not replace them.

Document	Section/ Code	Issue raised by Council	Response by Lendlease
Landscape referral response	Desired Future Character statement	<p>The natural landscape including landforms and vegetation are to be protected and, where possible, enhanced.</p> <ul style="list-style-type: none"> Buildings are to be located and grouped in areas that will minimise disturbance of vegetation and landforms, whether as a result of the buildings themselves or the associated works including access roads and services 	<ul style="list-style-type: none"> A majority of the proposed built form and roads is located over existing structures, an existing road, part of an existing basin and landscaped open space areas comprising predominantly exotic vegetation, non-endemic native plants and weeds. Encroachment into bushland fringes has been kept to a minimum, and the resultant landscaping will comprise endemic species as opposed to the mixture of non-endemic natives, exotic species and weed species found in the existing site The planting design, which utilises appropriate endemic species, aims to prevent future weed growth that is experienced on the site in its present condition The landscape proposal has increased the area covered by endemic vegetation than is found in the site's present form and which was previously proposed at the DA stage.
Landscape referral response	Desired Future Character statement Clause 56 WLEP	<p>Retaining distinctive environmental features on sites</p> <ul style="list-style-type: none"> Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land. In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses. 	<ul style="list-style-type: none"> A majority of the proposed built form and roads is located over existing structures, an existing road, part of an existing basin and landscaped open space areas comprising predominantly exotic vegetation, non-endemic native plants and weeds. Encroachment into bushland fringes occurs only in the north east corner of Building C and the northern edge of Building D, however this has been kept to a minimum and the resultant landscaping will comprise endemic species as opposed to the mixture of species found in the existing site An existing rock face running north/south is not impacted by Building C & D, except for it's southern extent, which is already modified by the existing development.
Landscape referral response	Desired Future Character statement Clause 58 WLEP	<p>Protection of existing flora</p> <ul style="list-style-type: none"> Development is to be sited and designed to minimise the impact on remnant indigenous flora, canopy trees and understorey vegetation, and on remnant native ground cover species. 	<ul style="list-style-type: none"> Refer response to Clause 56.

Applicant's Response to the Draft Conditions of Consent

Ethos Urban

17 April 2019

Ray Brownlee
Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Attention: Lashta Haidari – Principal Planner

Dear Lashta

**Draft Conditions of Consent - DA2018/1332
199 and 207 Forest Way, Belrose**

This response to the draft conditions of consent for DA2018/1332 is prepared by Ethos Urban on behalf of Lendlease - Retirement Living (Lendlease). We have reviewed the draft conditions of consent prepared by Council to be considered by the Sydney North Planning Panel (Panel) and provided the following responses to the following draft conditions of consent.

Condition 2 Amendments to the approved plans

Building D: We disagree with the condition to delete Building D as Lendlease and its consultant team are of the opinion that we have sufficiently responded to and satisfied the stormwater, environmental, ecological, landscape and bushfire concerns of Council as detailed in our submission package submitted to Council on 8 February 2019 and 18 February 2019.

We further note the typographical error of the word “portion” in this draft condition.

Condition 3 Compliance with Other Department, Authority or Service Requirements

A typographical error is noted in the date of the NSW Rural Fire Services response. This should read “17 October 2018”.

Condition 5 General Requirements

We request demolition and excavation works to be restricted to include hours on Saturdays between 8.00am and 1.00pm.

Section (k) relating to swimming pools and spas should be deleted as consent is not sought for swimming pool/s or spas as part of this development application.

Condition 9 Policy Controls

We disagree with this condition given that Ministerial Direction dated 14 September 2007 under section 94E the EP&A Act (attached) exempts any form of seniors housing as defined in SEPP (Seniors Living) 2004 from the imposition of conditions of consent for public amenities and public services (ie developer contributions) should they be a social housing provider. Whilst the applicant is Lendlease who is not a social housing provider, the residential care facility component will be developed and operated by Catholic Health Care (not Lendlease) who is a social housing provider.

Furthermore, it is noted that the seniors housing proposed does not need to be granted consent under SEPP (Seniors Living) 2004 but rather the development proposed only needs to have seniors housing types that are defined under SEPP (Seniors Living) 2004, which in this instance are self-contained dwellings and a residential care facility.

Accordingly, in our view the underlying intent of this Ministerial direction is satisfied for the residential care facility component and this part therefore should be deducted from the total development cost in the calculation of the contributions levy. In this case, when deleting the cost of the residential care facility from the total development cost, the Section 94A Levy would equate to **\$347,454.47**.

Conditions 11, 12, 13 & 14 – Re footpath construction and construction of bus shelter

We disagree with the imposition of conditions relating to the construction of a footpath to link the site with the bus stop on the western side of Forest Way near Linden Avenue, and to also construct a new bus shelter at this bus stop. Glenside Retirement Village is currently serviced by a public bus stop and shelter with footpath on the eastern side of Forest Way directly in front of the site and also a regular shuttle bus services for village residents that complies with clause 40 of Warringah LEP 2000.

Notwithstanding this, draft condition 00 requires at least three shuttle bus services to be provided daily for the entire proposed development. It is unreasonably onerous to require both the footpath and bus shelter construction and additionally 3 daily shuttle bus services that achieves the same purpose. We therefore request all these draft conditions to be deleted.

Condition 16 Tanking of Basement Level

We disagree with the imposition of this condition and request its deletion. There is not tanking of the basement proposed or required. There is not a significant amount of ground water expected and any seepage will pass through the structure and will be reticulated away via the proposed stormwater system.

Conditions 28, 29 & 30 – Re Credits

We request satisfaction of these conditions prior to the issue of the Occupation Certificate rather than at Construction Certificate stage as this could unnecessarily delay commencement of construction of the proposed development.

Condition 00 Shuttle Services

This condition in conjunction with conditions 11, 12, 13 & 14 for the construction of a footpath and bus shelter is considered unreasonably onerous given they are duplicating the same requirement for access to support services under clause 40 of Warringah LEP 2000 that reads:

Development for the purpose of housing for older people or people with disabilities must provide residents with adequate access to:

- (a) shops, banks and other retail and commercial services that residents may reasonably require, and*
- (b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

Access is adequate only if:

- (a) the facilities and services referred to above are located at a distance of not more than 400 metres from the site of the proposed development, or*
- (b) there is a transport service available to the residents who will occupy the proposed development:*
 - (i) that is located at a distance of not more than 400 metres from the site of the proposed development, and*
 - (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and*
 - (iii) that is available both to and from the proposed development during daylight hours at least once per day from Monday to Friday (both days inclusive) (emphasis added).*

The existing village and the proposed village does and will comply with this provision. In particular, a transport service (either public or private shuttle) is available at least once per day (to and from) for residents Monday to Friday (inclusive).

Therefore, we request draft conditions 11, 12, 13 & 14 be deleted and Condition 00 be amended as follows:

100. Shuttle Services

The facility shall be required to provide at least one shuttle service per day to and from the development to local services/shops. A plan of management for the shuttle services shall be submitted to Council prior to the issue of any Occupation Certificate.

Reason: To ensure adequate access for residents to off-site services and amenities and compliance with Clause 40 of Warringah LEP 2000.

We trust that Council and the Panel will consider this submission regarding the draft conditions of consent should the Panel determine to approve the development application. Should you have any additional queries, please do not hesitate to contact me on 9409 4904 or dwest@ethosurban.com.

Yours sincerely,



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