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Subject: Online Submission

12/08/2018

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RE: Mod2018/0327 - 79 Cabbage Tree Road BAYVIEW NSW 2104

Dated: 12 August 2018

Dear Sir/ Madam

Re: - Modification of outdated approval of Retirement Village - Resubmission as DA Required
Mod2018/0327 - 79 Cabbage Tree Road Bayview

I am a long-term resident of the Northern Beaches (some 50 years) and wish to express my ongoing concern at many of the detrimental changes happening in the Northern Beaches area.

This area is zoned RU2 Rural Landscape (Pittwater LEP 2014). Importantly, Seniors housing is not permissible under this RU2 zone.

The area designated should be protected/ or at worst repurchased (by compulsory acquisition?) and turned into a national park fringe area or high value biodiversity offset area, containing potential habitat for 14 threatened and migratory species. The area is still part of a riparian zone as far as I can see.

When does the original flawed approval, that the substantially sameness test is being applied to time out? This is typically 5 years. What is going on here council? We have also now timed out on the biodiversity Conservation Act 2016 transition period (6 months from 25 August 2017) and the full act should now apply. Again why is this just a Mod classification.

What other areas remain to be developed in further stages due to the reduced area? One is led to assume that there is a remaining thin end to this wedge. This is a trojan horse attempt to make use of an old DA that would no longer receive approval. This is given the high conservation value now recognised for this biodiverse area containing threatened and endangered species. Development in this important area must be halted now and a rejection of this modification/DA is requested.

There is a legal point that the modification, should be more correctly reclassified as a Development Application. Any genuine reasonableness test would determine that this is an unacceptable stealth tactic by the developer. I repeat unacceptable - the developer must resubmit this as a proper DA. Again, what is going on here council?

Another legal (rather than technical) point is that the development does NOT comply with one very important clause of SEPP Seniors, which is Schedule 1, Environmentally Sensitive land. The land this development is on, falls within the definition of Schedule 1 due to the natural hazards (a Geotech hazard can be considered to fall within those definitions of 'natural

hazards'), in which case NO SEPP Seniors would be allowed these days.

In summary and to the points asserted as key reasons to approve the development;

1. the big issue is this is environmentally sensitive land and that this expiry would now be prohibited use in an RU2 'Rural Landscape' zone. This angle was conveniently avoided in the detailed examination and
2. Also how does substantially the same test apply against substantially different current legislation. This is just simply wrong.

When will we get back to an orderly approval process? I care deeply for the Northern Beaches and our Emerald city. I request an escalation of this concern. We must protect our beautiful Northern Beaches areas. SEPP overrides and outdated land and environment court determinations should not justify further land clearing. As at today, I have never been to or seen this area but would like to keep the option for myself or future generations to see it one day.

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