
Sent: 2/11/2020 5:33:01 PM
Subject: DA 2020/1233
Attachments: Bowling Green Submission by ResCom.pdf;

Dear Sir/Madam,

Further to my letter and email dated 22 October 2020 seeking an extension of time for making submission on this application, I hereby withdraw that request.

Please see the attached submission made by the watermark Freshwater Residents Committee in response to the application,

Yours faithfully,

Bert van den Broek
Secretary

Bert van den Broek

2/80 Evans Street

FRESHWATER NSW 2096

2 November 2020

The Chief Executive Officer
Northern Beaches Council
PO Box 82
MANLY NSW 1655
council@northernbeaches.nsw.gov.au

Dear Sir

Attention : Lashta Haidari

Re: DA2020/1233 – Proposal for bowling greens at 80 Evans Road, Freshwater

Thank you for the opportunity to provide comments in relation to the above Development Application for a bowling green to be located within central open space area of the recently completed seniors/club development at the Harbord Diggers Club.

The Watermark Freshwater Residents Committee (*ResCom*) has been elected to represent the residents of the ninety-six (96) seniors living apartments on the site that is now the subject of this DA. The overall site is owned and operated by the Mounties Group and residents secure the right to occupy their apartments through a 99 year lease with the Mounties.

The Watermark Freshwater Village is an over 55s “Seniors Housing” development operating under the *NSW Retirement Villages Act*. The village is comprised of a number of seniors housing apartment buildings broadly grouped in a “U” shape around a central open space area. This open area contains formal gardens, seating/tables and pathways comprising the residents’ private communal area and an adjacent grassed area. Refer **Figure 1** below.

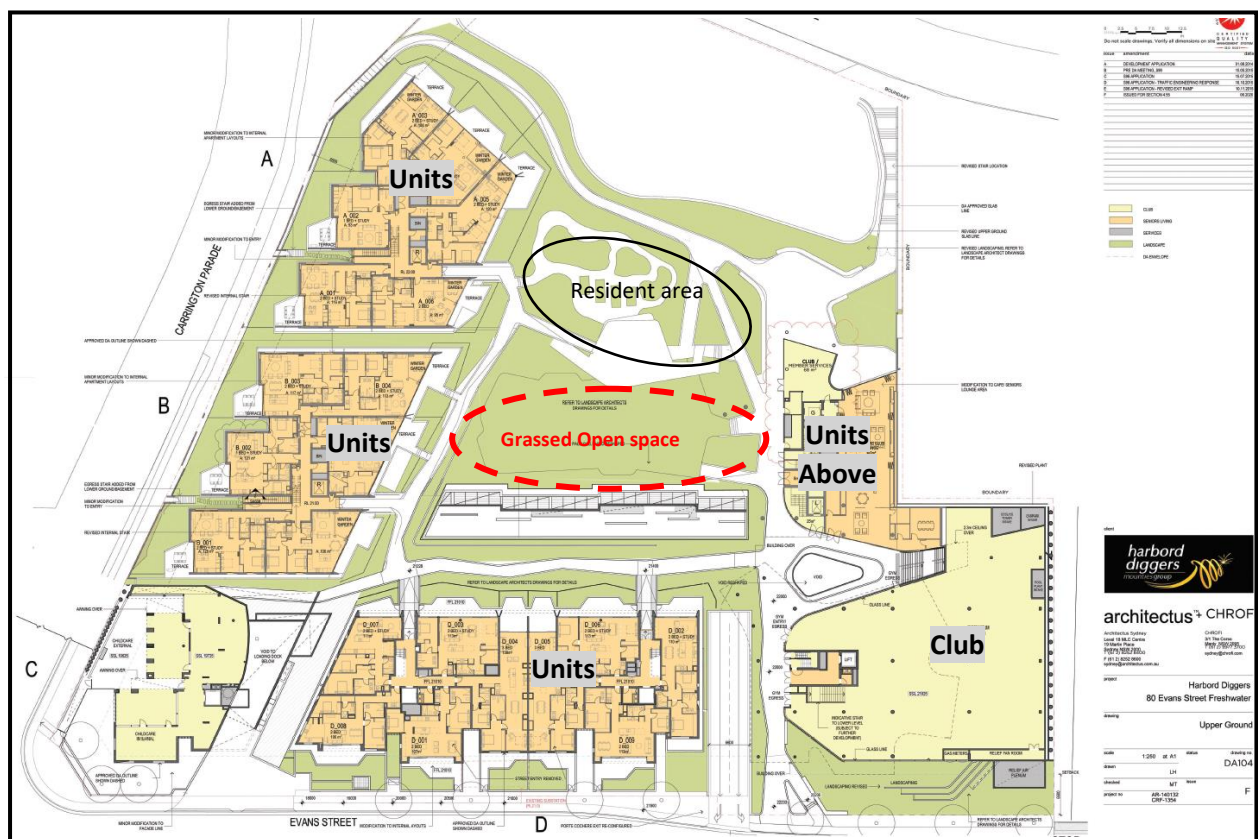




Figure 2 – Photos of the subject greenspace and proximity of apartments.

The grassed open space area is currently used by residents for playing croquet and playing with grandchildren, as well as activities such as Tai Chi and yoga. It is the only grassed area available to residents in the Retirement Village. **Figure 2** shows the area and its current use.

DA 2020/1233 seeks approval to demolish the existing grassed area on the Upper Ground Floor and replace it with a rectangular bowling green surfaced with synthetic plastic material, commonly referred to as synthetic turf.

A survey was conducted by ResCom during October 2020 to determine the views of residents on the subject proposal. The survey was completed by 113 from the 135 current residents, representing 84% of current residents, and all 113 respondents opposed the proposal. It is noteworthy that none of the respondents to the survey supported the proposal, though we are aware several have lodged submissions with Council.

Residents also unanimously voted in favour of ResCom making a submission to Council that reflects the majority view. **Accordingly, this submission is made by the Watermark Freshwater Residents Committee and we respectfully request that Council/ Local Planning Panel refuse the application.**

The grounds for making this request are summarised in the dot points below and supported by further detail later in the submission:

- The proposed use of the area as a competition bowling green is not consistent with the “Grassed Open Space” as shown in landscaping plan (L02) attached with DA 2014/0875, and is not an approved use. The proposal is an attempt to extend the commercial operation of the Club into an area of the site predominantly used by residents and ResCom believes this is not consistent with the intent of the original consent;
- Placing a competition bowling green for non-residents within a licensed part of the Club, in such close proximity to seniors housing, is not consistent with the obligations of the proponent, as the Operator of the Village, to ensure residents have the quiet enjoyment of their premises as required by the lease and the provisions of the NSW Retirement Villages Act;
- The SEE supporting the application is deficient in assessing the magnitude of amenity impacts on residents, particularly in terms of noise, privacy and security;
- Conversion of the current irregular grassed area to a rectangular artificial bowling green would significantly detract from the aesthetics of the upper ground floor landscaped area and would remove the only grassed area on the overall site available residents for recreation;
- There is no vehicular access to the area and the demolition and construction impacts on residents would be considerable, these impacts on residents have not been addressed in the SEE;
- There has been no meaningful consultations between the proponent and the residents; and
- There is no justifiable need for the bowling green.

Use Not Consistent with the Intent of the Original DA nor Current Consent

Mod # 2015/0152 made on 23/11/2015 approved certain modifications to Development consent DA 2014/0875 granted for Demolition and excavation work and Construction of Senior Housing, Registered Club, Childcare Centre and associated car parking and landscaping, the original DA.

Landscape Plan L 02, **Figure 3**, supporting the original DA application, shows the site of the proposed area for the current application as “Grassed Open Space”, surrounded on three sides by seniors living apartments, not as bowling green.

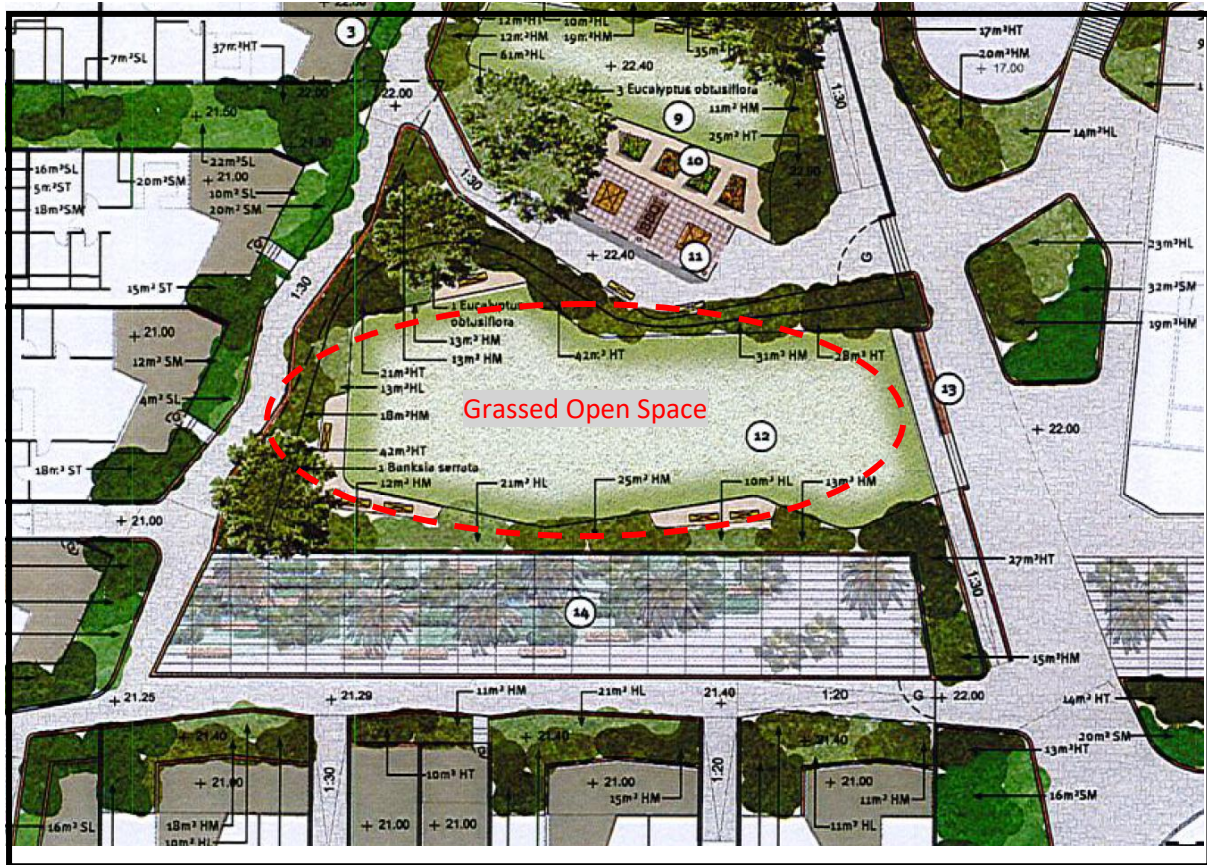


Figure 3: Landscape Drawing extract L-02

Upper Ground Floor Plans, similar to Landscape Plan L02, formed part of the Agreement to Lease documents provided to residents at the time of purchase of their apartments in 2015, see Attachment 1.

ResCom understood from these documents and advice given to residents at the time of purchase of their apartments that the intent of the approved development was for the grassed area to form part of the common area of the village primarily for the use of residents. While residents were made aware that the grassed open space could be used as a bowling green, this was always represented as an area to be shared between residents and a small number of ladies from the Harbord Bowling Club.

In March 2018 residents were advised by legal advisers to the proponent that “the licence of common properties plans have been updated since the original Agreement to Lease”, see Attachment 2, and that “these plans do not need to be signed by you”. The new plan excised the grassed area from the Seniors Common Areas, showing it as “Upper Ground Landscaping” but did not show a bowling green. ResCom is not aware if this change was notified to Council.

In September 2020 DA 2020/0101 was approved dividing the site into stratum lots. The plan for the Upper Ground Level, see Attachment 3, incorporates the open grassed area into the club stratum, effectively extending the licensed club area to the Upper Ground Level.

ResCom is of the view that the current application to demolish the existing grassed area and replace it with a synthetic bowling green within the licensed club area is a further incremental attempt to

extend the commercial operation of the licensed club beyond the existing club operation on the lower ground floor level. In our view this is inconsistent with the intent of the original DA and the consent granted thereto.

Proposal Inconsistent with the Operator's Obligations under the Retirement Villages Act

The NSW Retirement Villages Act imposes obligations on the Operator to ensure the Village is secure, Section 58 (1). Further, section 66 requires the Operator to respect the rights of residents:

<i>"In particular, the operator must not interfere, or cause or permit any interference, with the reasonable peace, comfort or privacy of a resident".</i>
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The proposed bowling green is located within a few metres of several residents' apartments and overlooked by many more. The proposed use of this area over seven days per week, as indicated in the "Operational Plan of Management", may bring between 24 and 50 non-residents per day onto the licensed bowling green.

ResCom believes bringing this number of non-residents into a licensed area in the middle of the Retirement Village will inevitably impose noise impacts on residents, presenting a significant invasion of privacy and security risk as this space immediately adjoins the residents' garden. Accordingly, we believe the proposal is inconsistent with the Operator's obligations under the Retirement Village Act.

Amenity Impacts

There is already significant noise impact on residents overlooking the Ocean Terrace of the Club. Noise levels from club patrons from this licensed area on the Lower Ground level are such to cause distress to the affected residents. The parties are presently working to achieve an agreement on the wording of a Deed that will bind them to an action plan but this is still to be finalised.

The noise report supporting Statement of Environmental effects concludes that bowling is a quiet activity and that "noise impacts are expected to be minimal". ResCom disputes this conclusion. Current activities on the area are already audible to adjacent residents and the proposed significant increase of persons in this area can only exacerbate noise levels. Residents surrounding the bowling green are even closer to the noise sources from this site than the residents affected by noise from the Ocean Terrace are to that source.

The DA does not consider this impact, nor does it measure/predict the noise levels residents that are likely to experience from the proposed activities on adjacent residents. ResCom considers that the Development Application, which does not include a comprehensive acoustic assessment by an Acoustic Engineer to make a full assessment of the noise impacts, is deficient in this regard.

Similarly the SEE does not adequately address residents' concerns about intrusion on their privacy and security. Persons standing on the bowling green would be only a few metres away from several apartments and the bowling green is only separated from the Residents Common Area by a low garden. Residents' apartments are clearly visible from the bowling green and readily accessible through the garden, thereby presenting an unacceptable adverse impact on privacy as well as increased security risks.

Adverse Impact on Aesthetics

The current grassed area is irregular in shape and designed by the architects to flow naturally into the Residents Garden. It is the only grassed area available to residents and is currently used by

residents to play croquet, play with grandchildren and other low impact recreational activities such as Tai Chi and yoga. Residents greatly appreciate the overall peaceful ambience it provides for the village, effectively linking the various residential buildings and common areas.

Conversion to a rectangular bowling green with artificial turf would remove the only grassed area from the overall site and significantly diminish the aesthetics of the village.

No Consideration of Construction Impacts

There is no vehicular access to the grassed area. No consideration is given in the SEE how equipment will be brought into the site, how demolition materials will be removed or how construction materials would be delivered. Nor is there any consideration of the noise and dust impacts on residents that will be created during demolition and construction.

Since residents moved into the village in June 2018, they have been exposed to 12 months of building works as Stage 2 of the village was completed, and a further 10 months of disruption as faulty sandstone cladding was replaced. Residents have only had the quiet enjoyment of their apartments since June this year, and are most concerned that the current proposal will again turn the village into a building site for many months.

No Meaningful Consultation

ResCom was notified by email on 25 September that a submission would soon be made to Council in relation to the Bowling Green, however, no further particulars were provided and we understand that it was not until 16 October 2020 that full details of the proposal were posted on Council's web site.

No other advice was provided to residents by the proponent until the CEO of the Mounties Group met with the ResCom Chairman on 21 October 2020 and a subsequent letter from the CEO was delivered to residents on 22 October 2020. The letter confirmed that the DA had been lodged on 30 September 2020 and provided some background information.

The Mounties Group CEO met with a group of residents 28 October 2020 to listen to their concerns. He apologized for the lack of earlier consultation and indicated that he understood that the application had been refused by Council that day. This advice could not be confirmed as at the date of this submission. He agreed with residents that it was not appropriate for Upper Ground Stratum allocated for Club Use to be a licensed area and undertook to "de-license" that area.

However, there has still been no meaningful consultation between the Mounties Group and residents.

No Justification for Proposal

In his letter to residents on 22 October 2020, the Mounties Group CEO stated:

"When our original project commenced in 2015 the Harbord lady bowlers were temporarily relocated to Manly Bowling Club with a promise that they would be able to return once our project was completed to utilize the bowling green for social and competition bowls."

ResCom understands that the lady bowlers, numbering around 8, have been playing at the Manly Bowling Club with transport being arranged by the Mounties Group from the Harbord Diggers Club. Many other residents of the village are also bowlers who have joined the Manly Bowling Club. Their

view, as indicated in their responses to the residents' survey, is that they prefer to play at the full scale bowling facilities available at the Manly Club.

It is noted that submissions made to date in favour of the proposal are mainly from the Harbord lady bowlers. ResCom is sympathetic to their position but points out that the current proposal goes much further than providing a facility for a small number of lady bowlers. It is further noted that submissions in favour of the proposal have been made by Mr. and Mrs. Hansen, both of whom are affiliated with the Mounties Club.

The current proposal to establish a new competition bowling green goes far beyond satisfying the need for a relatively small number of lady bowlers and ResCom believes that there is no justifiable need for the scale of the current proposal, i.e. a competition bowling green within the licensed area of the club, offering a full range of competition and social lawn bowls, as well as other activities that would see the area in constant use seven days per week.

Conclusions

For the reasons detailed above, 113 residents of the Watermark Freshwater Village have indicated to ResCom that they are opposed to the proposal to demolish the existing grassed area on the Upper Ground Level and replace it with a rectangular bowling green with synthetic turf.

Accordingly, this submission requests that Council refuse the application

However, should Council/Local Planning Panel not agree to this request and determine to give consent to the proposal, ResCom requests that Council consider imposing the following conditions to minimise impacts on residents.

1. That existing shape of the grassed area be maintained.
2. That access to the bowling green area be restricted to the Harbord Diggers Women's Lawn Bowls Sub Club, Tuesday & Thursday 9am to 3pm and to residents and residents' guests at other times.
3. Interclub/Pennants competitions or Social/Friendship bowls competitions or the like which can generate excessive noise/amenity impacts are not permitted
4. That bare foot bowls is not permitted.
5. No amplified music or any PA system used for announcements is permitted
6. That the Harbord Diggers Club be prohibited from serving, or facilitating the provision of, alcohol to members and guests within the Club/Other Use Stratum on the upper Ground Floor level.
7. That the number of persons on the bowling green and surrounding area within the Club/Other Use Stratum on the Upper Ground Floor level be limited to 25 at any one time. This needs to be reflected in the (amended) Operational Plan of Management.
8. That provision be made in the construction of the bowling green so that hoops may be inserted at designated positions to enable residents to continue playing croquet.
9. That the proponent be required to provide additional planting, screening and other works necessary to protect residents' privacy and security, to the satisfaction of residents.
10. That a detailed management plan, to the satisfaction of Council, be prepared for the demolition and construction stage so as to minimise impacts on residents, and that residents be fully consulted.

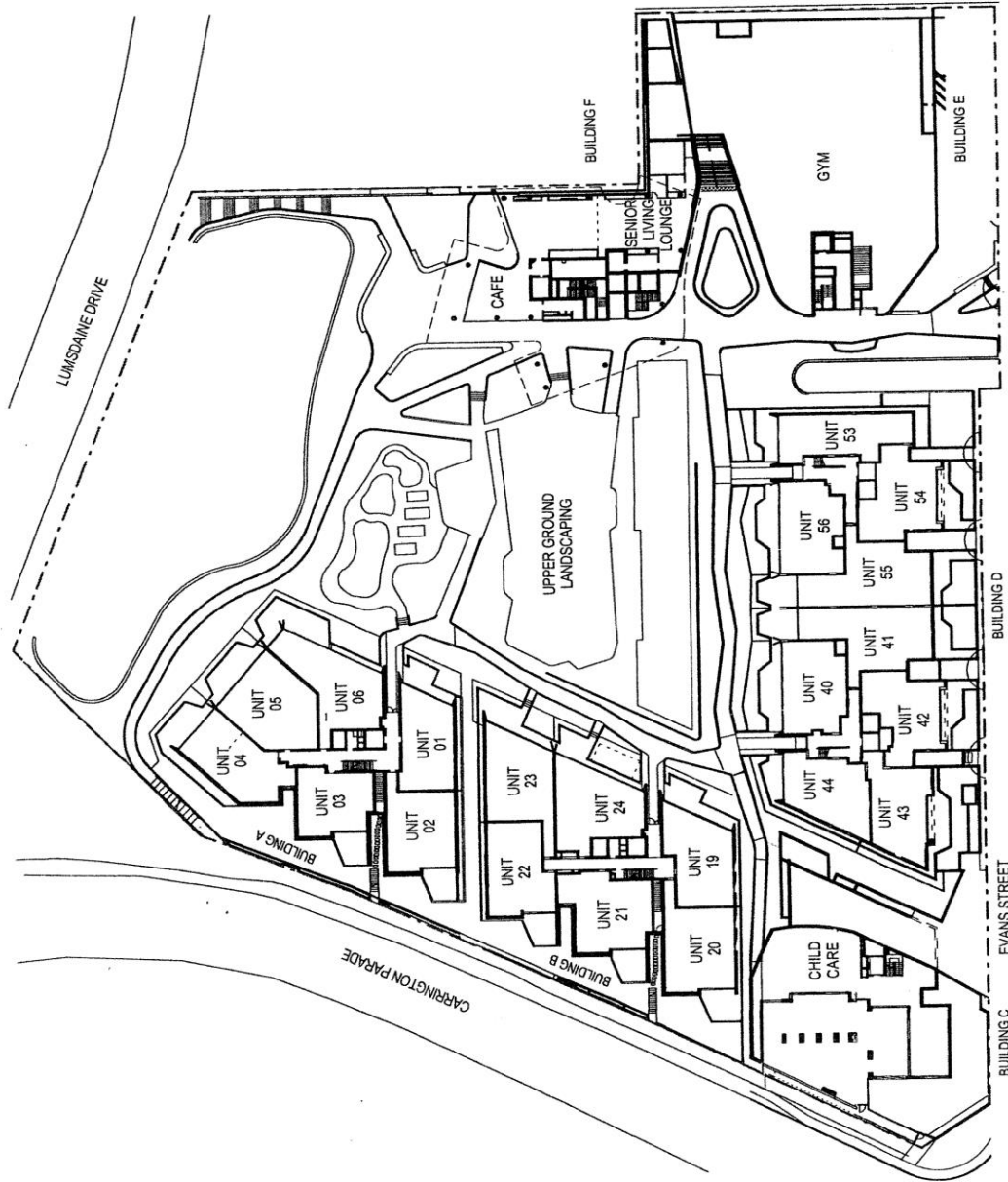
Signed by Watermark Freshwater Residents Committee:

Mike Allport

Felix Carlyle

John Hirst, Chairman
Paul Gleeson
Lloyd Keen
Ian Lindsay
Trish Mortlock
John Rosewarne
Graham Thomas
Bert van den Broek, Secretary
Jill Wrathall

Upper Ground Plan included with lease documents
 provided on payment of deposit, December 2015
 Attachment 1



UPPER GROUND FLOOR PLAN

"The information and illustrations shown here are indicative only and remain subject to change. There is no warrant for the accuracy of the information and no liability accepted for any error or discrepancy. The displayed information and illustrations will not form part of any contract for sale. Prospective residents of Watermark Residences must rely on their own inspection of a Unit and the terms and conditions of the Lease."

WATERMARK
freshwater
 88 Evans Street

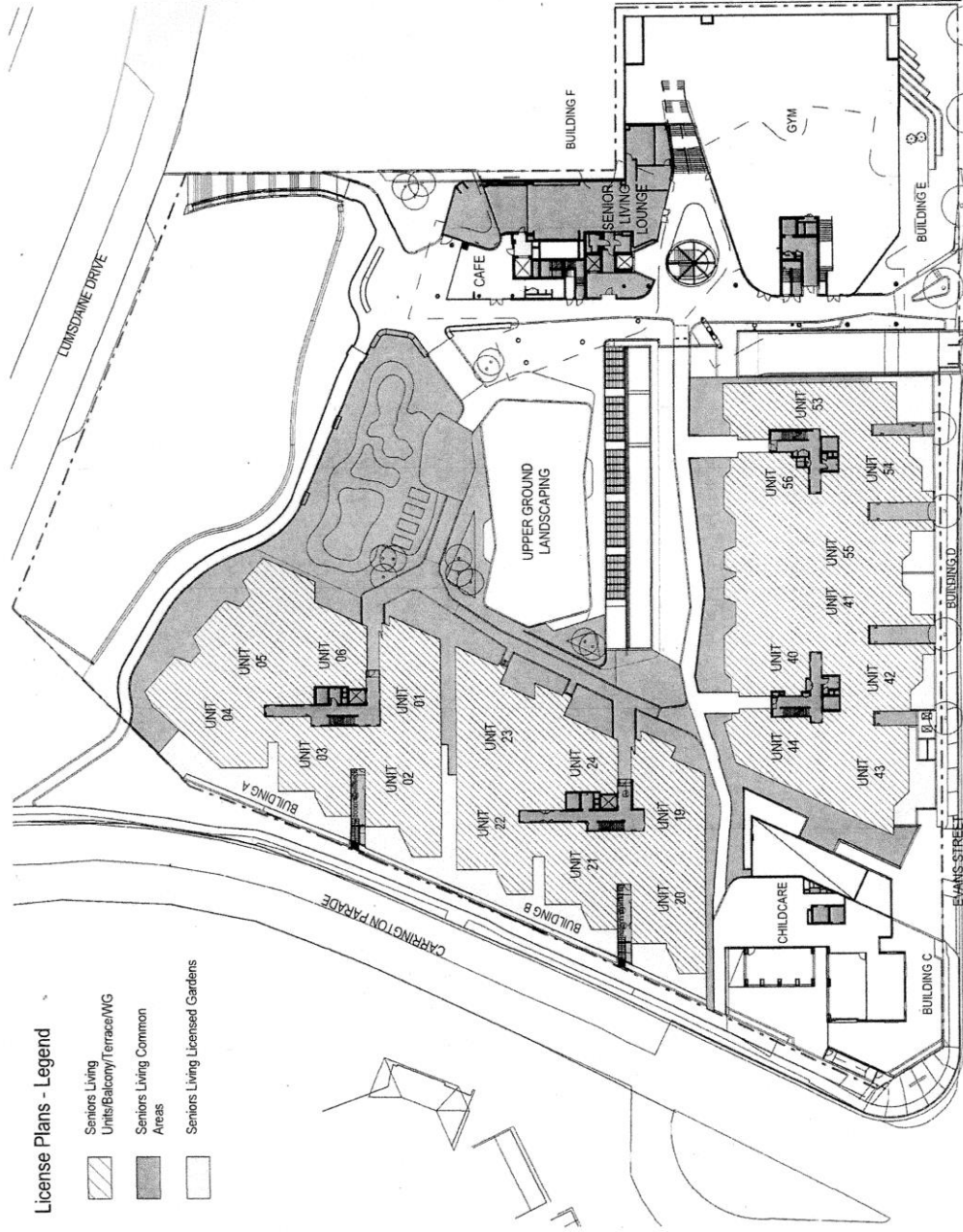
A. D. P.

John Brown

Attachment 2.



VERSION 11



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