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To: DA Submission Mailbox
Subject: Online Submission

01/03/2024

MRS Ann Sharp
- 77 Brighton ST
Curl Curl NSW 2096
[REDACTED]

RE: DA2023/1932 - 76 Willandra Road NARRAWEENA NSW 2099

I object to the seniors housing proposal for 26 independent living units, underground car park, community centre, associated infrastructure, APZ and subdivision of the 3 Lots.

Reasons for objection include:

- The proposal is not consistent with WLEP2000 B2 Oxford Falls Valley Locality desired future character (DFC) and General Principles.
- The development is not a low intensity or low impact use
- The bushfire prone location is not suitable for seniors housing.
- The APZ will require extensive removal of native vegetation.
- The proposal will result in the loss of trees, biodiversity and wildlife habitat.
- The excavation for basement car parking etc. will change the natural landform.
- The development will impact on the hydrology of the site
- The disturbance of erosive soils will risk erosion and siltation
- The proposal will adversely affect conservation values in Wheeler Creek Catchment.

ENVIRONMENTAL IMPACTS

The urban development would be located in non-urban land within a sub-catchment of Wheeler Creek Catchment.

The seniors housing would be located in a bush fire prone area that is not suitable for Special Fire Protection Purpose (SFPP) development.

APZ

The APZ would require the extensive removal of vegetation to the North, North-West, West and South.

The development and APZ would extend across half the area of Lots 810 and 811.

The proposal for seniors housing would have a disproportionate impact on the bushland environs.

The Inner and Outer Protection Areas would extend across slopes and steep terrain, which is not suitable for APZ.

To the south the APZ would overlap an ephemeral watercourse and riparian land (in the adjoining Lot 807). This is contrary to the Waterways and Riparian Land Policy.

To the north the APZ would impact on Coastal Sandstone Gully Forest, a natural drainage gully upstream of a waterway and riparian land (zone and buffer).

FLORA and FAUNA

Many of the trees surveyed on the subject site would be removed for development and APZ purposes.

A direct impact within the development footprint would be the removal of native vegetation.

The proposal would also result in the removal of threatened fauna species foraging habitat.

The development footprint would be located within a Coastal Sandstone Gully Forest. Of the 1.87ha of this forest community within the site, over half would be impacted.

The APZ would overlap nearly all the bushland area within the northern gully, including the riparian corridor and buffer (also identified as 'waterfront' land).

The moist environment of the gully provides habitat for native fauna and flora with a diversity of mid-storey and ground-cover vegetation.

SUBDIVISION

The proposed boundary would cut across a gully in Lot 807 that is not suitable for inclusion in the APZ. The removal of trees and vegetation will impact on habitat and ecology.

COMMUNITY CENTRE

The Community Centre would be located on a steep slope at the head of the gully in Lot 811. The location within gully slopes is inappropriate for vegetation removal, building and excavation.

EARTHWORKS

The development, including residential blocks, community centre and stormwater infrastructure, would be located on sloping land in the upper reaches of a waterway.

Extensive earthworks and disturbance of erosive soils will incur a high risk of erosion and siltation in ephemeral drainage lines that flow into the downstream waterway.

In the Waterways and Riparian Land Policy

Principles include:

Natural ecological processes of waterways and riparian land shall be maintained and enhanced to the greatest extent possible by:

- causing no net loss to biodiversity;
- supporting natural flow regimes;
- improving plant communities through natural area restoration;

The development and APZ to the north traverses a steep slope (which will increase runoff and erosion) and encroaches upon a natural gully upstream of a watercourse.

Likely indirect impacts include:

- Edge effects such as weed incursions
- Increased soil nutrients, changes to runoff and weed plumes in lower drainage areas

- Erosion, siltation and pollution from urban runoff
- Impacts on native wildlife resulting from lighting, noise etc.

Cumulative impacts include:

- Edge effects and increased risk of weed invasion
- Cumulative loss of native vegetation and degradation of Duffys Forest
- Further fragmentation of natural habitat
- Cumulative impacts associated with human activity

The proposed mitigation measures to ameliorate the potential ecological impacts would not compensate for the significant negative impacts on the environment.

Note: The previous approval of a boarding house on Lot 810 required that bushland areas outside the APZ remain undisturbed. However, since 2019 extensive removal of trees and vegetation has taken place within the bushland area to be protected. Further evidence of this vegetation clearance is provided in aerial photographs and the biodiversity survey (assessment report) submitted with the application.

An upgrade of the existing fire trail raises a concern that it is paving the way towards further development in the area where unauthorised clearing has taken place.

SUBDIVISION

Re Lot 807:

The proposed boundary would cut across a gully in Lot 807 that is not suitable for inclusion in the APZ. The removal of trees and vegetation will impact on habitat and ecology.

In WLEP2000 Schedule 7 Matters for consideration in a subdivision of land

Environmentally sensitive/constrained land:

"Lot boundaries should relate, where possible, to natural land features such as creeks and escarpments." The proposed subdivision does not comply with this requirement.

The proposed boundary cuts across a gully and does not follow the natural contour of the land.

Lot 807 has a creek gully and biodiversity values that would be significantly affected by the APZ encroachment. An Inner Protection Zone extending into this Lot would remove dense vegetation, which is a distinctive feature of the site.

If subdivided for the purposes of APZ, the remainder of Lot 807 will not be protected from direct or indirect impacts associated with the removal of vegetation. The reduced lot will be vulnerable to the further loss of biodiversity, due to the gully location.

The SEE states "Lot 2 will comprise of the remaining Lot 807 and no works are to be undertaken in this area. The application also states: "Access to future development on the site can be discussed and assessed with any future development applications." It is apparent that the subdivision will not protect the remainder of Lot 807 from future works.

Re Lot 811:

The SEE states: "The proposed seniors housing development seeks to operate independently on the site and will not impact upon the approved boarding house."

The boarding house is not likely to operate independently if it is incorporated into an enlarged Lot 1 comprising the existing Lot 811 and Lot 810.

Re WLEP2000:

To measure housing density, "the site is the allotment which existed on the day this plan came into effect". The proposed subdivision would result in two new lots that did not exist when WLEP2000 came into effect. This could be a potential loophole to increase density within the newly created lots in non-urban land.

COMMUNITY CENTRE

The proposal is for:

Lower Ground Floor: Pool, Gym, Theatre, Meeting room/library, Workshop etc.

Gross Floor Area (GFA) 295.8sqm

Ground Floor: Lounge/dining area, Kitchen etc.

GFA 164.3sqm; Total GFA 460.1sqm

LAND USE

The WLEP2000 definitions:

'community facility' means "a building or place owned or controlled by a public authority";

'recreation facility' means "a building or place used for indoor or outdoor sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain".

The function of the proposed community centre appears to satisfy the latter definition.

'Recreation facility' is listed as a Category 3 use in B2 Oxford Falls Valley Locality.

For Category 3 use, Schedule 15 'Statement of Environmental Effects' (SEE) applies.

In the SEE, matters to be considered includes:

(6) "The reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development."

For the purposes of this Schedule, "the principles of ecologically sustainable development" include: Conservation of biological diversity and ecological integrity.

The proposed location at the head of the northern gully is inappropriate for extensive excavation, removal of soil and vegetation, as proposed.

WLEP2000

Re PLANNING CONTROLS

The proposed development does not satisfy the requirements of the Warringah LEP 2000, including the desired future character in the B2 Oxford Falls Valley Locality and relevant General Principles.

The housing density of one dwelling per 20 ha is a land use constraint introduced to protect non-urban land in the Narrabeen Lagoon Catchment. For the proposed development, the housing density is significantly higher and would have a proportionally greater impact.

The change in intensity of land use can be measured in terms of additional population intensity, likely demand for car parking, site coverage and associated environmental impacts.

The increased site coverage would greatly exceed 10% of the site and impact on the

conservation values within the sub-catchment.

The proposal is not a low impact or low intensity use and would have a significant impact on the natural environment within Wheeler Creek Catchment. The proposal does not satisfy the requirements of Clause 12 in WLEP2000 and should be refused.

The proposal is not compatible with the environmental constraints and criteria that apply to the non-urban land. For example:

WHEELER CREEK CATCHMENT

Warringah Creek Management Study (WCMS) 2004

Wheeler Creek Catchment

The Wheeler Creek sub-catchment is dominated by non-urban land and is less than 10 % impervious.

Values

"The majority of the Wheeler Creek sub-catchment is characterised by natural vegetation with a very high degree of continuity, canopy cover, native species richness and community composition. This provides excellent potential for dispersal and refuge for native fauna."

"The creek itself also provides habitat for a number of important species, including the endangered Red-crowned toadlet, *Pseudophryne australis* and Giant Burrowing Frog, *Heleioporus australis* (NPA NSW, 2001)."

Risks

"The major threat in future is the potential for large-scale SEPP5 developments in the currently untouched catchment areas. Even with riparian buffers and inclusion of WSUD and strict development controls, it is likely that the integrity of the creek would be significantly and irreversibly damaged."

Recommendations

"It is recommended that future development be strictly limited within the Wheeler Creek sub-catchment."

Group A Rating

Wheeler Creek Catchment has a high conservation value and has been assigned a Group A rating in WCMS.

Principle (for Group A and B creeks):

"Preserve all natural components that contribute to ecological value - particularly streamflow, water quality and flora/fauna."

Performance criteria include:

- No artificial barriers to capture water
- Site imperviousness is less than 10% etc.
- All development is outside riparian zone and riparian buffer zone

"relatively small changes in catchment land use can have significant impacts on flows, which in turn can strongly influence ecology."

Land Use

A site coverage 10% is a land use constraint to protect high quality catchments. (WCMS)

Protection of Waterways and Riparian Land Policy

Waterways and riparian land in the Warringah local government area are to be managed so that priority is given to certain categories, including those that are classified as Group A Creeks.

Group A Creeks are those waterways in Deep Creek, Curl Curl Creek or Wheeler Creek Catchments as described in the Warringah Creek Management Study (2004).

3 Principles

3.1 Protection of Waterway and Riparian Land

a) Natural ecological processes of waterways and riparian land shall be maintained and enhanced to the greatest extent possible.

b) Bushfire asset protection zones shall be maintained outside of riparian land.

3.3 Development

d) Development within waterways and riparian land should be avoided.

WSUD

Planning Assessment Commission (PAC) Report 2007

"It would be optimistic in the extreme to assume that further WSUD-style urbanisation in native-bushland areas of the Oxford Falls Valley catchment would not increase the load of pollutants discharging to Narrabeen Lagoon."

BUSHFIRE

PBP 2019

"Strategic planning should provide for the exclusion of inappropriate development in bush fire prone areas as follows:

- the development area is exposed to a high bush fire risk and should be avoided;
- the development has environmental constraints to the area which cannot be overcome."

Local Housing Strategy

Bushfire Prone Land - Absolute risk

Areas subject to absolute risks, such as bushfire-prone land, are not suitable for development.

Avoiding bush fire risk is even more important given the likely impacts of climate change.

CONCLUSION

A major concern is the "nibbling away" of core habitat and the continuing threat of urban encroachment of non-urban land that protects Narrabeen Lagoon Catchment.

Within the sub-catchment the site coverage of the proposed urban development will greatly exceed that required to protect the ecology and ephemeral waterways.

In conclusion, the proposal would have a significant impact on the natural environment within Wheeler Creek Catchment, does not satisfy the requirements of WLEP2000, and should be refused.

