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**Sent:** 13/02/2018 7:20:16 AM  
**Subject:** FW: Objection to DA 2017/1274 , 52 Cabbage Tree Rd, Bayview  
**Attachments:** Submission Bayview Golf Course feb 2018.docx;

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**From:** Marcia Rackham [mailto:marack@bigpond.com]  
**Sent:** Monday, 12 February 2018 4:50 PM  
**To:** Council Mailbox  
**Subject:** Objection to DA 2017/1274 , 52 Cabbage Tree Rd, Bayview

Attention Ms Lashta Haidari DA 2017/1274  
Objection to proposed seniors living development 52 Cabbage Tree Rd Bayview.

Please find my submission attached.

Kind regards  
Marcia Rackham

8th February 2018

Mrs Marcia Rackham

122 Elimatta Rd

Mona Vale NSW 2103

## DA2017/1274 Proposed Seniors Housing and upgrade to Bayview Golf Course, 52 Cabbage Tree Rd Bayview NSW 2104.

To whom it may concern,

I am writing **to object** to the above proposal by Waterbrook Bayview Pty Ltd.

This DA should be treated with the primary consideration given to the Seniors living development and golf course upgrade secondary.

I do not believe that it is in the public interest to damage one area of wildlife habitat to make improvements to another. The area proposed for the development is mapped as being in a priority habitat and wildlife corridor by Pittwater council. I also do not believe that the dept of planning and environment has given enough consideration to clause 25(5) i, [the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development)] of the seniors housing SEPP, when issuing the site compatibility certificate 27/03/2017. I note that there has been a change of Deputy Secretary of the Department of Planning since the initial application (2014) was refused a SCC. Very few changes were made to the second DA, and yet a SCC was issued from a desk early in 2017, sight unseen. Marcus Ray from the Department of planning has acknowledged the need for more transparency around SCCs and has reviewed procedures and will “including placing SCC applications, determinations and council’s advice on the Depts website, as well as making MANDATORY site inspections” before any future SCC are issued.

### Objectives RE2 Zone:

When reading all the documentation in relation to the DA, Waterbrook is wishing to exploit (it would seem) every grey area of the planning regulations. Using the SEPP because it is the only planning instrument available to them. The comprehensive site analysis selected the only parcel of land that is not flood affected in projected severe wet weather events or factoring in water level rises with climate change. And this is promoted as being of benefit to the community as they can find refuge there whilst waiting for water subsidence. The proposal is not consistent with the objectives in an RE2 zone. There is no such thing as being “generally consistent” with the zoning, as was the response from Waterbrook. It either is, or it is not. (page 11, para3 Statement of environmental effects).

It is unclear just how large the site proposed for senior’s development is. The documents vary, from 2ha to 9.85ha with a development footprint of 18,000m<sup>2</sup>. A seniors housing site of 98,847m<sup>2</sup> and a site coverage of 8,826m<sup>2</sup>. Why are the figures so confusing and what is Waterbrook’s intention for the additional land?

### Financial Position:

The primary reason for the DA is to generate income for a club lacking funds. The club has declared that this parcel of land is “Surplus to its needs” and that this development will bring “The

achievement of a realistic financial return to the club on a timely basis” Though the clubs financial position is in a sad state of affairs it should not come at the cost of the community and the environment. The documentation constantly refers to the viability of the project, this seems to be very precarious. There is no correlation between seniors living on golf courses and the uptake of club membership. “it is expected that a significant proportion of end users of the proposed independent living units will be interested in membership of the golf course” Statement of environmental effects. This cannot be relied upon for future club income. Many people who live near or next to a golf course do so for the landscape value that the green open space affords them.

## Compatibility:

The seniors living development is not compatible with the golf course or the surrounding environment and is not of a scale and character suited to the area. Only one third of people over the age of 65, chose to live in this style of accommodation (council for the aging). The Peninsula is already very well serviced with many retirement villages, over 55s developments and nursing homes. This area of housing is not on council’s radar as far as housing needs are concerned. And it does not meet the planning priorities in the revised North District Plan, in planning priorities 16, 17, 19, 20, and 22. The Golf Course is not compatible with any form of housing being built upon it. Neither Geographically, environmentally or climatically.

## Seniors Housing or People with a Disability?

It is confusing as to whether Waterbrook are applying to build 1. Housing for seniors or people with a disability, 2. A Retirement Village (with no nursing facilities) or 3. An in- fill development. “The applicant seeks approval for seniors housing in the form of In Fill self-care units” (pg52) Though the application they are making is under the SEPP (Housing for seniors or people with a disability)2004. Waterbrook then goes on to say that they will be operating as a retirement village with nursing services. And “that the onsite services have been incorporated to accommodate the needs of residents, family, friends and greater community” (pg34) Is this legal under a SEPP application provision of facilities for the broader community? The language throughout the documentation changes regularly. There is no provision made for any nursing facilities in the plans. Interestingly of those people choosing village style living, 93% of those interviewed believe that developments should include ongoing aged care (Council for the aging). No provision for this. Some parts of document refer to 2- 3-bedroom apartments and then reports include, 4-bedroom apartments (preliminary servicing strategy). Do seniors really want 4-bedroom apartments? Why are there so many in-consistencies’ in the documentation?

## Excavation and tree removal:

In terms of excavation on the site approx. 10,000 plus square metres of rock and soil would need to be removed and trucked around local roads. 20% of the site will be excavated into the deep soil Zone. What will the geo technical affectation be on the surrounding terrain. The noise, dust and heavy vehicle road usage will impact on neighbouring properties. 132 trees require consent for removal, deemed by the arborists report to be in good to very good health. Seven of which are hollow bearing. Many which, have fissures suitable for bats to roost beneath. This would have to be one of the prettiest views in Bayview, looking up to the escarpment from the 4<sup>th</sup>? Tee, with the most magnificent tree canopy above. More of the community should be able to experience it.

## Height Variations:

The applicant is applying for a variation on height limits clause 4.6 for the build. Claiming that the siting of the development will be below the tree line. All buildings exceed the height limits under the Pittwater LEP 2014. Some buildings are twice the height limit allowable and sit atop a ridge. This DA should be REFUSED on these grounds alone. The heights proposed are not consistent or compatible with the surrounding built environment. It is true that buildings do not have to be the same height to be compatible, but I would argue that they DO need to sit within the framework of the Pittwater LEP. This is not the case in this DA.

## Land Contamination:

Bayview Golf Course has been in existence since 1929 and has a long history of alterations to the landscape. The parcel of land proposed for the seniors living development sits on top of a spur coming down from the escarpment. It is a truly beautiful space and is crowned with majestic healthy trees. The only physical changes to this area of the course, has been the removal of understorey vegetation. However, the low land, consisting of the majority of the course has been altered extensively over the decades and it is what is below the surface that is cause for concern. High levels of benzo(a)Pyrene and carcinogenic Polycyclic aromatic hydrocarbons have been detected and asbestos. High levels of mercury can also be found on courses built on previous wetlands and this should be investigated further. Particularly in relation to the proximity of the course to the water body of Pittwater. The limitation statement by Martens and Associates Pty Ltd needs to be read by assessing officers to see if further investigation is required before any earthworks can proceed on the golf course. Though the course should be congratulated for preparation of a plan of management, re-remediation work is notoriously expensive, and I wonder if this has been budgeted for in the greater scheme of things? There seems to be no costings for any of the proposed works, and no guarantees as to whether all, or any of the remediation works will be carried out. I note that the developer has asked for a stayed approach to be adopted for the up grade works to the golf course and would like a condition of consent to be worded in a manner that allows for the issuing of separate construction and occupation certificates for each stage. This is troubling and highlights the fact that that once again there are no guarantees with any of the works on the course being completed.

## Ecology:

Though many of the members have seen little in the way of wildlife whilst using the course (SEE), it is what they do not see that is incredibly special. We know that Powerful owls are present and have raised young in the vicinity. We have photographic documentation. We also know that powerful owls have large feeding areas and that this corridor makes up part of that landscape. We also know that "the status of all owls is imperfectly known within most suburban parts of Sydney Met area" There have been no comprehensive assessments of the status and requirements of owls in the Syd region, R.Kavanagh." Conserving Owls in Sydney's urban bushland: Current status required 2004". I understand that a local resident, Jackie Marlow, is currently carrying out a study into Powerful Owls. But what of our other large birds of prey. We must protect what we have and what we currently do not know that we have. Footprint green did not specifically survey the area for Owls in 2014 but in 2017 Powerful Owl calls were heard. The North West and west of the seniors living site is rich with wildlife.

Threatened Bats are also present. I was heartened to read that 12 species of micro bats were recorded over 3 nights in 2017. Six of which are threatened species. This is a busy area for our night

time visitors and I do not think that a senior living village with lights, noise, loss of tree scapes sits comfortably in the middle of it. It makes no sense to build a senior's retirement village in the centre of a wildlife corridor. "Golf courses hold a real potential to support functional groups like pollinators, pest-control regulating species and seed dispersers, and could very well contribute to resilience of building landscapes". (The role of golf courses in bio diversity conservation and ecosystem management, Colding and Folke). Bats fulfil all these roles. And science is only just beginning to understand the complexities of the bat world, now believing that some bat species can live for over 40 years. It is unlikely that proposed future residents will sit comfortably sharing belfries with bats. This development will need to be assessed under the environmental and planning assessment Act 1979 taking into consideration provisions of section 79c of that act and subject to provisions of the threatened species conservation Act 1995.

Will eels be able to negotiate the weirs proposed on the course proper? Already their movements seem to have been impeded by works carried out by the golf club behind Parkland Rd.

We are being asked to trade off Wet Sclerophyll Forest understorey and Eucalypt Forest to improve Coastal Floodplain communities. Both have equal importance and should be protected and rehabilitated.

Littoral rainforest is also a threatened ecological habitat, and very few examples exist on the Northern beaches any development close by will impact on this community of flora and fauna.

### Climate Change:

The club wishes the fairways to be raised .5 metre to allow for more playable days (20) in wet weather to increase income. Has the Club considered loss of income due to poor patronage on very hot days? There will be more hot days per year in the future this should be given consideration in terms of financial loss. The impact of raising the course by half a metre must be given serious consideration as to what the impact maybe to residents living in the low- lying areas around the course. The course sits in the centre of a water catchment area and more emphasis should be placed on mapping carried out by Cardno 2012 in relation to predicted water levels around the course due to climate change. (Pittwater Overland flow flood study and mapping.) Wetlands need to be allowed to function as such.

### Public Transport:

Bus stop in Annam Rd is approx. 500metres from the entrance to the seniors living building, 250 metres from the entrance on Cabbage tree Rd. This is quite a walk for an older resident. I note that a proposed path is planned through council land on Annam Rd. Residents would have to cross the number 4 fairway to access the bus stop. Is this safe?

### Visual Impact Statement:

Montages have been prepared" in respect of Land and Environment Court Proceedings No. 10884/14 in accordance with Land and Environment courts practice direction". However the only solid modelling carried out in the documentation available in the visual impact folder is for the entrance on Cabbage Tree Rd and the very beginning of the built form. There is no solid modelling, only broken lines for visual impact with the buildings in the landscape from position 9,10,13,14,15 and 16. This could be misleading. It does not show clearly the bulk of the buildings through the landscape. This would be particularly evident from the south, south/west of the site. This should be a requirement and Waterbrook should be required to install poles and tape and whatever else is

deemed necessary to indicate clearly to all those interested, the scale and bulk of the proposed physical development.

### Bushfires:

Building E is most at risk in any bushfire event. There is a history of fires in the area. Large Fire protection zones will have to be cleared around all the site. Standing atop the spur on a day with a light breeze blowing, air funnels up the south side of the spur this could be catastrophic during bushfire weather. Building wide fire breaks is not compatible with the potential that the site has for improvement to wildlife habitat and connectivity to the escarpment to the west. The Department of Planning and Environment seems to have taken no interest in the bush fire prone land risk, in its assessment of the site.

### Summary:

In summary I do not recognise that this development for a Housing for seniors or people with a disability, makes up the desired future character of the area. The area is very well serviced with seniors living establishments. The potential loss of such an important habitat and wildlife corridor in Bayview is unthinkable. I wish the club well but do not think that by selling off the jewel in the crown they are considering the broader community, who value the rewards of nature when a golf course and its bio diversity exist simultaneously with a very good plan of management for all to enjoy.

Yours sincerely,

Marcia Rackham

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