
Sent: 16/10/2018 12:35:11 PM
Subject: Fwd: Notice of proposed development No DA2017/1274 - Amended Plans
Attachments: LEC Submission final.pdf;

Re: DA 2017/1274 – Objection from Chris Hornsby to Amended Plans, LEC Appeal 2018

Attention: **Lashta Haidari**

Hi Lashta

We noticed that an objection was lodged online by Chris Hornsby well before the due date but had not been uploaded to Council's tracking system. We have forwarded the submission by Chris Hornsby for your attention please.

Thanks

Kelvin Auld

Mona Vale Residents Association

----- Forwarded message -----

From: **Chris Hornsby** <cjhornsby@bigpond.com>

Date: Fri, Oct 12, 2018 at 12:20 PM

Subject: Notice of proposed development No DA2017/1274 - Amended Plans

To: <council@northernbeaches.nsw.gov.au>

Attention Development Assessment

Lashta Haidari

Please find my submission attached for the LEC hearing.

Regards

Chris Hornsby

25 Utingu Place
Bayview 2104

12 October 2018

Northern Beaches Council
PO Box 1336
DEE WHY 2099

SUBMITTED VIA EMAIL

Dear Lashta Haidari

**DA2017/1274 AMENDED PLANS
52 Cabbage Tree Road and 1825 Pittwater Road Bayview**

Please note that this objection is for the application for the construction of 85 luxury residences submitted by Bayview Golf Club (BVGCC) as amendment to the original application that was refused by the Sydney North Planning Panel (SNPP) in August 2018.

REASONS FOR OBJECTION

As a resident of Bayview who lives 1 km from this site and a person who is involved with the local community, I object to this amendment, as I did to the refused first proposal.

My reasons are-

1. The choice of the site is not an in-fill housing location.
2. The project does not comply with the intent of the Site Compatibility Certificate.
3. The adverse effect that the buildings and works will have on the flora and fauna that are the present occupants of the site

Undermining the Pittwater Local Environment Plan (PLEP) 2014 with spot rezoning decisions undermines the public's confidence in a fair go.

The PLEP clearly does not sanction dwellings on this site because it is Zoned RE2

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To allow development of a scale and character that is appropriate to the nature of its recreational use and is integrated with the landform and landscape.*

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Signage

4 Prohibited

Any development not specified in item 2 or 3

Schemes such as this are formulated to include a fall-back position in anticipation that a review panel will forget the original reasons for refusal. This should be seen for what it is. Therefore the provision of referral to the Land and Environment Court (LEC) should not be used to overturn the agreed planning controls for an area but rather to rectify some error which plainly was not made by either Northern Beaches Council (NBC) or the SNPP.

INAPPROPRIATE LOCATION

I do hope that the LEC for the reasons contained in this submission refuse to spot rezone this site.

One of these is that the site is “inappropriate” for building. The surrounding area is a low rise residential location and this site is in the middle of a golf course. There was a claim made at the public hearing that the nearby retirement village is up to three storeys high. This is just not factual to anyone who cares to visit the surrounding streets. The zoning is for a golf course and this was codified when the residents of the former Pittwater Council helped develop the PLEP. One of the reasons for a Local Environment Plan is to give the community a say in their area and by inference an expectation that this would stop Spot Rezoning.

This new application requires the setting aside the PLEP. This application for 85 “luxury residences” (BVGC Website at <https://www.bayviewgolfclub.com/waterbrook/>) has the same impact on the local area as the original that was rejected by the SNPP. The original scheme submitted by the BVGC was for 95 luxury dwellings. Then it was decided that there needs were satisfied with only 85 luxury residences (see the 3 bedroom apartment plan on the BVGC website at <https://www.bayviewgolfclub.com/waterbrook/>). What is the story behind this? I have the same objections now as were contained in my original submission and presentation to the SNPP.

Further evidence that the site is inappropriate is that, if the buildings are allowed, it will result in the destruction of a parcel of our local ecosystem. The BVGC website trumpets that the scheme is to “Retire the Club’s debt”. In my view this is no reason to destroy the local environment. Further the website implies that the destruction of a present wildlife corridor will create “conservation linkages”, whatever they are. Anyone who has visited the site or knows its history will acknowledge that this site is an existing wildlife corridor, and no matter how much spin is put on the destruction of the wildlife corridor this problem, for the BVGC, will not go away. Or to put it even clearer why did the BVGC leave this area as native habitat when the course was last changed?

For this site to be considered as in an appropriate location there should be no significant community opposition and the site should already have been used for urban purposes. This site does not even approach these criteria so it is inappropriate to change the zoning here. Everyone agrees that if the luxury residences are built on the golf course wildlife corridor, it will be a loss to the ecosystem for nothing more than a short term windfall for the BVGC and their development partners.

In my view the wildlife who inhabit this area have more rights to the land than prospective seniors who will be oblivious to the damage they are doing when they could be accommodated in an area close by. The desecration of this site is not for any other reason than private profit. This desecration will impact on both the community and golfers and may not actually solve the Club’s problems. It came out in the public meeting that the Club continues to trade at a loss and this is likely to continue. The real winners will be the “White Knight” development company who will no doubt continue to gobble up the golf club land in payment for the Club’s ever increasing debt.

SITE COMPATABILITY CERTIFICATE

Another significant reason to reject the application must be the grounds on which the Site Compatibility Statement (SCC) was decided. This parcel of land cannot, to any reasonable person be accepted as fitting a site for, "in-fill self-care housing" because it is on a golf course a fact that nobody has disputed. Further, the Certificate included agreement to deposit excavated soil and rock (possibly acid sulfate contaminated) onto the flood plain of the golf course. Linking flood works to the apartment building application is not essential for the construction of any housing upstream from the flood affected golf course and this deposition of spoil on another part of the golf course should be considered as another application. Its disposal away from the building site is certainly not "in-fill self-care housing" or part of the main earth works necessary on the site of the 85 luxury dwellings.

The SNPP rejected the original application despite.

1. The Site Compatibility Certificate was issued by the Department of Planning with only a desk audit for a project that was not within the scope of "in-fill self-care housing". A site visit should have been an essential task by the evaluation team in my view. Therefore the SCC has little credibility in the eyes of the community.
2. BVGC stacked the meeting at which the original application was heard. I felt intimidated as did other local residents and one wonders about the SNPP.
3. BVGC were given the most time and attention by the SNPP as the record of the meeting shows, and despite the intimidation and special attention, their application was justifiably refused by the SNPP.
4. The SNPP rejected the application after considering the written submissions from both sides, Council objections, public addresses on the night and after a very accommodating interview with the proponents of this project where they presented the scheme again and had all their experts put their case for approval.

WILDLIFE AND LOCAL ENVIRONMENT

I hope that the LEC will not sanction the destruction of the environment to help a private club. There was a quite a lot said at the public meeting about the Club's community service. This is to be applauded but as everyone knows Clubs are required to undertake community service as part of their licence so this argument is less than convincing here.

Further, there was a lot made of ideas such as free club membership for those who buy into the development. This is not a valid reason to approve the spot rezoning because it is only speculation. And as has been said elsewhere in this letter creating false paths to justify what is not justifiable. Members of the BVGC spoke of what a wonderful project this would be but the only problem was that they lived in places such as Avalon and the upper North Shore and therefore have no affinity with the local area except the wish to solve the clubs financial woes. Golf club members are interested in this project while they are members and this is from year to year like most other private clubs

The crux of the matter is whether the destruction of part of our local environment has more community value than this 85 luxury apartment development which fails many of the claimed benefits and is not permitted by the PLEP. Enough is enough.

1. We read that Koalas will be extinct in NSW in 25 years if the rapacious development industry is allowed to continue without check.
2. Will the Powerful Owls that were widespread in Bayview die out forever when their food is denied them with the loss of the old trees in the wildlife corridor? The experts from BVGC say no but the community says don't speculate because if the experts are wrong then there is no going back, the damage is permanent. This is what the PLEP recognised and this must be upheld.
3. The scale and form of these building is outrageous and this fact was amply canvassed in the public hearing and nothing has substantially changed this situation by simply dropping off 10 luxury residences that one could speculate were superfluous from the beginning.
4. Light pollution, noise pollution, destruction of the natural tree canopy and altered water flows will result from this development. How can anyone say that the native fauna will adapt to this overwhelming desecration of their unique habitat? To propose that fauna in "moved on" for now, and they will come back, is frankly rubbish and should be given no credibility like so many other claims in this new application.
5. The destruction of Powerful Owls, possum nests and micro bats will not solve the Bayview Golf Clubs financial woes. Only better management and far greater utilisation of the Club's present assets will do this, and if this had been done before then there would be no threat to the local wildlife and their sure extinction like the Koalas are headed for.
6. The whole area was a swamp and flood plain and maybe that is the way that the golf course should be left to go.

SUMMARY

I ask, as a resident who lives 1 km form this site, that the Court does not override the considered decision of the Northern Beaches Council to oppose it on the grounds set out in the provisions of the Pittwater Local Environmental Plan or the decision of the Sydney North Planning Panel in August 2018 because the site is inappropriate for luxury residences, is not in-fill self-care housing and will destroy the wildlife corridor presently protected by the golf course layout.

This issue effects the whole community, as well as the members of the Bayview Golf Club because by destroying an area of natural beauty for luxury dwellings there is no certainty that the privately owned Bayview Golf Club will survive, but we do know for certain, that the habitat and its wildlife will certainly not survive if this project is sanctioned at the forthcoming hearing.

How can the arbitrators and the owners live with this prospect?

Yours faithfully,



Chris Hornsby B.Arch., M.Sc. (Building), RAIA