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**Sent:** 9/10/2018 12:47:13 AM  
**Subject:** proposed amended development in wildlife corridor  
**Attachments:** subbayviewdev.docx;

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**OBJECTION TO DA1274/2017 (RE APARTMENT BUILDINGS BEING  
CONSTRUCTED IN A DESIGNATED HIGH PRIORITY WILDLIFE AND COASTAL  
CORRIDOR)**

Both as a biologist and as a family member concerned about the future, I strongly object to DA1274/2017 to develop 7 apartment buildings in the middle of the designated high priority wildlife and coastal corridor<sup>1</sup>, home to many vulnerable species.

This land is Biodiversity land and should not be destroyed by any such development. Indeed I find it offensive that there is ANY question of an important and significant wildlife corridor being built upon in the same time period that a Federal Senate Committee is convened to discuss Australia's escalating extinction crisis. It is particularly offensive that such a large-scale development should even be contemplated in such a site.

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<sup>1</sup> Since 1990

Moreover the increasing impacts of climate change renders the need for wildlife corridors to be ever more extreme and necessary. More corridors should be being created, not existed ones destroyed.

You must be aware that the biodiversity classification and mapping<sup>2</sup>of both the golf course and general area is designed to protect and conserve native flora and fauna. It has been shown empirically that the area currently forms the habitat for a family of powerful owls and numerous bat species, 7 of which are listed as vulnerable (as are powerful owls). The critically endangered shrub *Rhodamnia rubescens* is also located within the area and over 140 remnant trees would also be removed by the proposed development. Indeed the Planning Panel, the Office of Environment and Heritage (OEH) and the Northern Beaches Council all determined there would be a high probability of adverse environmental effects if the development proceeded.

Furthermore, in addition to the proposed development destroying significant and crucially necessary ecological aspects of the currently existing ecosystem, there would also be negative impacts upon human health and safety if the development were to proceed. For example, the necessity for

only subdued lighting to exist in any built complex at night if nocturnal fauna were not to be highly and negatively impacted but the unsuitability of this for seniors. Noise concerns would also impact existing wildlife if the amended development proceeded and the road infrastructure of the proposed development seems to present dangers for older (and even younger) drivers.

Nor is the nature of even the amended proposed development in keeping with the character, existing built structures (small in nature) and recreational nature of the local area. The current visual amenity of the area would be totally destroyed by the massive bulk of the new construction. Nor does the building of 5 acres, of 7 buildings, in the middle of a wildlife corridor help it to function effectively!

Furthermore valid concerns have already been raised about governance aspects of the proposal. The Department of Planning and the Environment issued a Site Compatibility Certificate despite the considerable (and justified) local and council opposition based on the very factors that helped the regional Panel reject the initial proposal. Indeed the SCC was granted by the Department of Planning and Environment against their own internal legal advice stating the SCC was not permissible since "It is not

satisfied that most of the land that it (the Site) adjoins is land zoned for urban purposes" in accordance with Clause 4(5) of the SEPP. Nor, apparently, has Minister Roberts yet been able to explain why the SCC was granted despite its non-compliance with the legislation in this regard (and when the illegality was known to be the case<sup>3</sup>).

Concerns with the issuing of SCC's have also been voiced by other local communities:

1. Philip Ruddock, the Liberal mayor of Hornsby Shire, has pointed out that "If developers come in with a seniors development under a SEPP [State Environment Planning Policy] they can avoid the other planning controls that anybody else would have to meet."
2. M. Byrne, the Liberal mayor of The Hills Shire, has said "But site compatibility certificates shouldn't be issued without regards to environmental constraints, the appropriate bushfire protection measures being put in place and having adequate access to services and essential infrastructure like roads, parks and public transport." In fact the Hills Shire overall is so concerned about the lack of proper planning associated with

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<sup>3</sup> Both by the Department's own internal advice and by the independent legal advice obtained from the Environmental Defenders Office ( EDO) which also concluded that this was an 'unlawful development', given the requirement of Clause 4(5) (b) of SEPP Seniors Housing w.r.t. the zoning of adjoining land.

the issuing of SCCs that the council has formally objected to SCC's for seniors housing on rural land without such complete planning being done.

Indeed the Hon Rob Stokes, local MP and former Planning Minister has pointed out that to "...side-step the planning process means sites can effectively be rezoned without strategic assessment <of infrastructure> or community assent..while the cut -price acquisition of Wildlife Corridors or open space in urban areas will always remain a top priority target for developers...Only fundamental change to elements of SEPP (Housing for Seniors of People with a Disability) 2004 will permanently erase the side-stepping of intended process."

### **SUMMATION OF OBJECTION**

The amended proposal should be rejected for the same reasons that the initial proposed development was rejected for. The area is an important conservation area and wildlife corridor; the local community strongly objects; and there are serious legislative and governance concerns.