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**Sent:** 14/10/2018 4:06:11 PM

**Subject:** DA 2017/1274 Bayview Golf Course

**Attachments:** Speech NDPP Bayview Golf Course Wed 8th August 2018.docx; Site  
Compatability Certificate Waterbrook.pdf; Waterbrook ammended DA October  
2018.docx;

Dear Ms Haidari,

Please find attached my submission in relation to Waterbrook's amended plans for the Bayview Golf Course.

Yours sincerely,  
Marcia Rackham

Sydney North Planning Panel Consent Authority

Wednesday 8<sup>th</sup> August Dee Why

DA no:2017/1274 Seniors Housing 95 Units,

Golf course upgrades and infrastructure works

1825 Pittwater Rd and 52 Cabbage tree Rd, Bayview NSW

Thankyou to the panel for the opportunity to speak this evening. You should be in receipt of my submission on this matter.

A site compatibility certificate was issued for this DA sight un-seen from a desk in an office. At a public meeting held in Terrey Hills last year, Marcus Ray the secretary of the DPE conceded that desk top evaluations were not an appropriate way of issuing Site compatibility certificates and that the department needed to review its processes around this.

This clearly shows the flaws currently operating in NSW in relation to the issuing of these certificates, and the opportunities that are being taken by developers in relation to this flaw.

We begin on shaky ground.

Sadly, the Bayview Golf Club has found itself in financial difficulty, but this should not warrant DA approval. The process must be merit based. A development of this size may provide short term gain for the club but would be a loss to the broader community in the long term if valuable open space were to be developed. The strategic direction of this land zoned RE2 must be adhered to. There is no correlation between the potential of this DA being granted, and the long-term profitability of the club.

The proposed Waterbrook development is inconsistent with the current and future character of the area as defined in the Mona Vale locality plan. It is also not consistent with the DCP the Pittwater LEP or the Zone objectives of the LEP 2014. These plans have taken many years to develop by senior council staff in conjunction with lengthy community consultation and must be adhered to in assessing this application. This DA ticks all the boxes for non-compliance in terms of breaching councils planning codes.

The Bayview Golf Club would have to be one of the richest courses for bio diversity on the northern beaches, due to its location being close to waterways and heavily forested private lands. This development will decimate a mapped wildlife corridor. Australia's wildlife is the most endangered in the world and you cannot destroy a wildlife corridor to try and replicate it elsewhere. In relation to the proposed conservation plan of management on the lower lands there are no assurances that these works will ever be carried out. Note that the applicant has been found to be deficient in identifying relevant environmental impacts associated with the site and has not provided a remediation action plan or costings. These works are notoriously expensive. I also note that a SCC overrides NBCs tree preservation order.

The developer is not asking for subdivision and the land in question is surrounded by fairways, creeks and a private fire trail servicing a non-urban residential development. This site is not contiguous with urban lands. We should look to the recent ruling in the court of appeal, Hunters Hill and others verses Dept of Premier and Cabinet.

Non-compliance, Non-compliance, Non-compliance are the two words littered throughout this document.

I support councils report and recommendation for refusal.



**PART A — APPLICANT AND SITE DETAILS**

**A1 APPLICANT FOR THE SITE COMPATIBILITY CERTIFICATE**

Company/organisation/agency

WATERBROOK BAYVIEW PTY LTD c/o SBA URBAN PLANNING CONSULTANTS PTY LTD

First name

Mr  Ms  Mrs  Dr  Other

Family name

CHARIS CERRELLA

Unit/street no.

LV12, 77

Street name

BERRY STREET

Street address

Suburb or town

NORTH SYDNEY

State

NSW

Postcode

2059

Postal address (or mark 'as above')

PO Box or Bag

PO BOX 375

Suburb or town

NORTH SYDNEY

Postcode

2059

Daytime telephone

02 9456 6462

Fax

Email

CFERRELLA@SBATURBAN.COM.AU

Mobile

0423 976 803

**A2 SITE AND PROPOSED DEVELOPMENT DETAILS**

Identify the land you propose to develop and for which you seek the Director-General's site compatibility certificate.  
NAME OF PROPOSAL

SITE COMPATIBILITY CERTIFICATE APPLICATION FOR SENIORS HOUSING

(IN-PILL SELF-CARE HOUSING)

STREET ADDRESS

Unit/street no.

PART LOT 1 DP 662920, PART LOT 6 DP 45114,

Suburb, town or locality

BAYVIEW

Street or property name

CABBAGE TREE ROAD

Postcode

2104

Local government area

ORTWATER

PART LOT 4 DP 19161

13 October 2018

Ms Lashta Haidari

Principal Planner Northern Beaches Council

Application No DA 2017/1274

Address: 1825 Pittwater Rd / 52 Cabbage Tree Rd Bayview NSW 2104

Dear Ms Haidari,

I write to once again express my OPPOSITION to this amended application for construction of seniors housing consisting of 85 units including golf course upgrades and infrastructure works.

I support the Northern Beaches Council and the Sydney North Planning Panel's decisions to refuse this application and see no reason why this new DA should be supported.

It is quite clear reading the grounds for refusal that this DA looks like a colander. The original development application has been found to be un-satisfactory, in-consistent, fails to comply, contrary, should not be approved, fails principles, not compatible, less than proposed, not fully resolved, not justified, not well founded, does not satisfy, not considered suitable, proposal deficient, insufficient information, owners consent not granted and not in the public interest. The developer is now wishing to plug the holes.

Clearly the site compatibility certificate issued for the site on 27 March 2017, does not match the intentions that Waterbrook Pty Ltd have in relation to the development of the site that being "in-fill self-care housing" The SCC permits "95 infill self-care units and ancillary services for the purpose of seniors living" Please find document attached.

Waterbrook Pty Ltd in partnership with Visionary Investment Group are a well-oiled machine with the visionary Investment Group "responsible for all aspects of the project process" including but not limited too "sourcing the ideal site, advising on issues relating to the environment and planning as well as DA approvals. Contractual rights and obligations, Master planning, developing purpose-built facilities and funding", "thus allowing extraordinary results and returns for investors". Waterbrook Pty Ltd and their investment group know exactly what they are doing when filling in the SCC form. The courts must not allow the highways and the byways to be explored when assessing this application but must look at the merits (or lack of) in the application. There is no Waterbrook without the financial backing of this offshore group.

Flooding, ecology and the built form were the principle reasons for the refusal of the first SCC applied for by Waterbrook in 2014. During that period there was a change of Deputy secretary of the planning department and there would appear to be inconsistencies with the decision-making process by this department in firstly refusing a certificate and then reneging this original decision

There are 35 amendments to this DA. Surely that alone should constitute refusal.

Waterbrook claims "The design has sought to emphasize the desired elements of the character of Bayview" This it has not. The development is not sympathetic to its neighbours or the character of the area. It is out of context with its surrounding environment and is aesthetically displeasing.

The site is zoned RE2 private recreation. Seniors housing is prohibited. The DA does not meet the objectives of the zoning. I expect the council and the courts to uphold the current zonings.

The site does not adjoin urban lands, and no subdivision has been requested.

Still inconsistent with the desired character of the Mona Vale locality plan and the Pittwater LEP 2014. If we do not refer to these plans as our benchmark what faith can the community have in any sound planning decisions being made into the future.

Fails to comply with our DCP on nine clauses.

No guarantees that any of the course work will ever be carried out and though it would be good to improve the bio diversity on the course, I question how a revegetation strategy can be well done, if trying to meet the standards of golfers.

It is not for the court to decide upon the sustainability of the golf course.

Any flood mitigation work is illegal and Waterbrook's design for such work must be tested thoroughly before the judicial system. Climate change must be a factor for the court's consideration in relation to this DA.

Waterbrook's intention to build 85 seniors housing units, including golf course upgrades and infrastructure works is their opportunity to explore the highways and the by ways of our planning laws. Inexpensive land, over the top developments on sensitive lands, with a DA that looks at all avenues to exploit planning regulations.

I wish to see this being defended strongly in the court by council's legal team.

Marcia Rackham

Please find attached my speech to the planning panel and a copy of Waterbrook's SCC application.