
Sent: 13/06/2019 7:24:12 PM
Subject: Attention Daniel Milliken- DA2019/0409 submission from Duffys Forest Residents Association
Attachments: Oxford Falls ILU June 19.pdf;

Dear Daniel,

Please find attached submission from Duffys Forest Residents Association objecting to the proposed development.

DFRA have objected to developments at this site in the past and spoke at both the North Panel Hearing and L&E Court in 2018, however were not notified of the most recent DA.

Thank you for considering our concerns.

Kind regards,

Jenny Harris
on behalf
of DFRA



DUFFYS FOREST
RESIDENTS ASSOCIATION INC

P.O. Box 567 TERREY HILLS 2084

Northern Beaches Council
Planning & Assessment
Attention Daniel Milliken

13/6/19

Dear Daniel,

**RE: DA 2019/0409 Construction of 41 Independent living units
and 95 basement car parking spaces @ 1113 Oxford Falls Road
Frenchs Forest NSW 2086**

The Duffys Forest Residents Association (DFRA) has a general objection to inappropriate development on non-urban land.

We object to this proposed development for the following reasons:

1. Inconsistency with the Greater Sydney Plan, Metropolis of 3 cities
2. Inconsistency with Greater Sydney North District Plan
3. Encourages speculation of non- urban lands
4. Inconsistency with the PAC report
5. Encourages development expansion by stealth
6. Non- compliance with the requirements of WLEP 2000 clause 40
7. Non- compliance with clause 26 of SEPP (HSPD)
8. Non- compliance with WLEP cl 40 service agreement
9. Conflict with objectives of the Oxford Falls B2 Locality
10. Non-compliance with WLEP Schedule 16.
11. Negative impact on the Narrabeen Lagoon Catchment
12. Poor urban design for ILUs
13. Planning for Bushfire Protection 2018- additional measures.

1. Metropolis of Three Cities-The Greater Sydney Region Plan

The proposal is inconsistent with the vision laid out for Metropolitan rural lands in the Greater Sydney Plan, which identifies the “***critical importance of retaining the integrity of the values of these non-urban lands***”

Objective 29 the plan “***identifies that urban development is not consistent with those values and that Sydney has sufficient land to deliver its housing needs within the current boundary of the urban area.***”

Strategy 29.1 ***Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.***

Strategy 29.2 ***Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham***

2. Greater Sydney North District Plan

The plan includes a number of priorities for the management of Metropolitan rural lands, however it does not support development on non-urban lands. **Planning Priority N18 Better managing rural areas** delivers on the following objective and the corresponding strategies: **Objective 29**-Environmental, social and economic values in rural areas are protected and enhanced.

The plan notes on pg. 106 “The District’s rural areas provide opportunities for people to live in a pastoral or bushland setting. Urban development is not consistent with the values of the Metropolitan Rural Area. *A Metropolis of Three Cities* takes a strategic approach to delivering Greater Sydney’s future housing needs within the current boundary of the Urban Area, including existing growth areas”.

“Urban development in the Metropolitan Rural Area will be considered **ONLY** in the urban investigation areas identified in *A Metropolis of Three Cities*.”

No strategic planning has been conducted or identified that the rural lands of Oxford Falls should transition to an increased housing density.

Furthermore, the plan notes “Public places including streets, parks, shopping precincts and community facilities must be designed so that people of all ages and abilities can participate in community life. In addition to the rapidly ageing population, the District includes over 27,500 people with disability. Walkable places and homes of universal design are essential to provide opportunities for the participation of all people.

Universal design of places, homes and public transport is increasingly required as the population grows, and demographics change. It is a key part of planning for 30-minute cities ensuring that children, young people, people with disability and older people can easily access services”.

3. Speculation of Non- Urban Land

The Greater Sydney plan states that ***“Restricting urban development will help manage the environmental, social and economic values and HELP REDUCE LAND SPECULATION”***.

The proposal encourages the very land speculation, which the Greater Sydney Plan seeks to reduce by obtaining consent for a Residential Age Care Facility (RACF) and then progressing to an over 55 Independent Living Units (ILU) development to maximize profits for the developers.

4. Inconsistencies with the PAC report

The proposal is contrary to the Planning Assessment Commission (PAC) Report (2009) recommendation that a catchment wide study is required prior to urban development of non-urban in Narrabeen Lagoon Catchment:

“The identification of any areas for future urban development in The area must result from comprehensive environmental studies of the cumulative impact of development on the entire area and not solely on the impacts on the individual sites.

5. Encourages Development by stealth

No explanation has been provided in the Statement of Environmental Effects (SEE) to justify an increase of an approved 71 bed RACF to ILUs comprising a total of 91 rooms. Without any limit on the number of occupants the 32 x2 bedroom and 9 x3 bedroom units have the potential to increase actual bed numbers to 182.

DFRA have commented on successive development applications at this site. Each and every time the proponent has presented the application as a change of use or an expansion of an already approved development and argued that previous approvals by the Joint Regional Planning Panel (JRPP) or Land & Environment Court (L&E Court) demonstrate suitability of the site.

After approval of a 10 bed RACF the applicant submitted the application for a 45 bed RACF as “an expansion of a recent approval being DA2013/0575 and stated, “it should be considered in conjunction with that approval”.

After the JRPP then approved a 45-bed facility the applicant submitted another application for a 70-bed facility “to increase the capacity of DA2014/1062 by 25 beds, the current DA occupies a similar building footprint when compared to the existing approval and proposes essentially the same revegetation and rehabilitation works.”

The current application uses the same rationale while seeking to intensify development and expand by an additional 26 rooms and purports: “It is of a similar scale and occupies a similar footprint to the approved development of DA2017/0206. The character of this proposal is substantially the same as that previously approved by the L&E Court and remains a low intensity and low impact proposal.”

Council should give no weight to any previous approvals by the JRPP or the L&E Court. Each DA must be assessed on its individual merits and a change from a RACF to ILUs presents significant differences in relation to the needs of future residents.

6. & 7. Inconsistencies with access to services and public transport SEPP (HSPD) cl 26 & WLEP 2000 cl 40

The proposal does not meet the requirements of WLEP 2000 clause 40 or SEPP (HSPD) clause 26. Services are not located within 400 metres of the proposed facility with the closest facility providing only basic services located at Skyline Shops 875 metres away. The nearest bus stop is over 600 metres away in Iris Street. There are no obvious and safe pedestrian links to the closest bus stop or to Skyline Shops. Local streets around the area do not have footpaths and pedestrians are required to walk, either on the road or uneven grassed areas making the site totally unsuitable for an aged care facility.

Conditioning the provision of a facility bus cannot overcome the distances to basic services exceeding the requirements, poor access to services, public transport, and absence of footpaths to the closest shopping centre. Future occupants require some level of independence and should not be left isolated and reliant on a facility bus.

No details have been provided to demonstrate the ongoing costs of the minibus to ensure that a private bus is sustainable and will be provided in perpetuity.

8. Non compliance with WLEP Clause 40- Access to home delivered meals, nursing care, housework

The applicant has claimed but provided no information to demonstrate how *“The proposed development provides quality health and other support services on site as well as a reliable and frequent transport service to off-site facilities. The cost of delivering these services will be affordable (value of money) in the context of the socio-economic makeup of likely future residents in this facility. These services will be available to occupants when the housing is ready for occupation.”*

No written evidence of a service agreement or a cost analysis has been provided to demonstrate that future residents will be able to

age in place and have reasonable access to home delivered meals, personal care, home nursing and housework. There is no evidence to support the applicant view that all future occupants can afford the unknown cost of these services because of their “socio- economic makeup”.

9. Conflict with Oxford Falls B2 Locality

Expansion to ILUs with 92 bedrooms and 95 car parking spaces from the original 10 bed RACF application is not what was envisaged for the Desired Future Character of the Oxford Falls B2 Locality. The proposal should be refused given the significant increase in the number of beds and the resultant urbanization of the zone by establishing medium density housing.

10. Non-compliance with WLEP schedule 16

Contrary to claims made in the SEE the proposed development DOES NOT comply with the relevant provisions outlined in clause 16 of the WLEP 2000. Appendix 16 (prepared by Marchese Partners) notes at least 35 non-compliances. It is not good enough to say that these units will comply in the future. No plans are available for the public view.

11. Negative Impact on the Narrabeen Lagoon Catchment

The Asset Protection Zone (APZ) inner protection zone is within riparian land. This is against Councils Protection of Waterways and Riparian Land Policy. The loss of vegetation will lead to an increase in bank erosion and increased sediment loads as well as nutrient loads entering Middle Creek and ultimately Narrabeen Lagoon. The detention basin will be installed within the vicinity of Middle Creek.

The proposal entails an increase in hard surfaces to provide driveways to basement car parking and removal of 16,825m³ of rock to construct the car parking. The increase of impermeable services will increase the nutrient load entering Middle Creek. No additional measures have been proposed to protect the Narrabeen Lagoon Catchment from siltation during excavation.

12. Poor urban design for over 55 ILUs

The proponent has claimed that the ***“design intent is to maintain a similar building footprint on the site to that approved under DA DA2017/0206 to maintain its compatibility on the site.”***

Current consent is for a 70 RACF and not ILUs for over 55s. While the footprint might not be dissimilar, the current DA with is seeking to expand to 91 bedrooms and must be fit for purpose and be of good design future well-being of over 55 residents.

No plans of the individual dwellings are available on Councils website however the current proposal was not originally designed as an over 55 development and is now attempting to retrofit a completely different development into the same footprint. As a result, the design fails to ensure good solar access for the 41 ILUs.

The (SEE) states that 85% of units will receive a 2-hour minimum of solar access in the middle of summer on December 21, however does not specify what the maximum will be or how much will be achieved during winter months however is silent on solar access to the remaining 15% of ILUs.

The SEE states that only 82% of units achieve cross ventilation but remains silent on the cross ventilation of the remaining 18% of ILUs. The accessibility report defines this deficiency as a “minor compliance”.

13. Planning for bushfire protection- Bushfire Prone Land – additional measures 2018

There has been no attempt to address the recently announced Planning Measures for Bushfire Prone Land. Whilst not yet legislated we submit that the application must address these measures. The proposals for residential development in the nearby Ingleside locality have been stayed as a consequence of these measures. It follows that this proposal having regard to its scale and impact should also address the new measures.

NSWRFS Guideline Planning for Bushfire Protection (2006) section 3.3 states “the use of adjoining lands for meeting APZ requirements will only be permitted in exceptional circumstances based on the merit of the particular development”

No information has ever been provided to the community to demonstrate what the exceptional circumstance where.

The use of a public road for the provision of an APZ has set an undesirable precedent on public land for the benefit of a private commercial operation.

This application has been lodged under the WLEP 2000 and does not meet the requirements of clause 40, schedule 16 or the SEPP (HSPD) both of which have the intent to provide suitable housing to ageing and vulnerable persons to support “ageing in place”. For this to be achieved residents should be provided with genuine access to services, and public transport to overcome the well-documented problems of social isolation in the elderly. Claims to service a development with a minibus to overcome the isolation to transport links and services doesn’t cut it, is unenforceable albeit a Community Titled or Strata Titled subdivision and could be voted against by future management committees. This has been demonstrated at a recently finished over 55 ILU at 83 Booralie Road, Terrey Hills.

Provision of housing for seniors is in the broader public interest, however development of over 55 ILUs at this site is inconsistent with the Greater Sydney plan and will result in disorderly uncontrolled development which is not consistent with the objects of EP& A Act 1979 which is 1.3(c) “to promote the orderly and economic use and development of land.”

Yours sincerely,

Jenny Harris

On behalf of

DFRA executive committee