

27 August 2020

Mr Peter Debnam
Chair, Sydney North Planning Panel

Bayview Golf Course SCC Application – Submission to Sydney North Planning Panel

Dear Mr Debnam,

This letter makes submission to the Sydney North Planning Panel in relation to the Bayview Golf Course Seniors Housing Site Compatibility Certificate (SCC) application (SCC_2019_NBEAC_001_00) for 85 serviced self-care dwellings and ancillary facilities. It responds to the DPIE's recommended reasons for refusal and seeks the Panel's support for this SCC application.

We consider that all DPIE's issues have been satisfactorily addressed and that the proposal is consistent with the surrounding character and built form. However, should the Panel have concerns about this aspect of the proposal, the applicant would be willing to consider a condition limiting the scale of the seniors housing development to two storeys reducing the number of apartments to 63 and the car spaces to 120. Whilst the footprint would remain the excavation requirements would be significantly reduced.

Background and previous proposal

The site has previously deemed to be suitable for a much larger seniors housing development (95 dwellings), through the issuing of a SCC by DPIE on 27 March 2017. The SCC concluded that the site proposed for seniors housing is suitable for more intensive development and that the development is compatible with the surrounding environment and surrounding land uses.

Whilst the Sydney North Planning Panel refused the subsequent development application in August 2018 one member of the Panel (Ms Sue Francis) made a number of recommendations on potential amendments to the proposal to ensure consistency with the local character including that the length of buildings should be reduced to provide greater breaks to be provided between buildings, the extent of excavation for basement parking reduced and height limited to three storeys. These recommendations have been addressed in the revised SCC proposal.

The development application was refused for a number of reasons including inconsistency with the SCC in relation to a minor discrepancy on the mapped building footprint and an error with the description of the development in the SCC schedules.

A revised proposal was subsequently considered by the Land and Environment Court NSW in January 2019 which incorporated the changes recommended by the Sydney North Planning Panel. The Commissioner (Land and Environment Court NSW) refused the development application on the basis that the Commissioner does not have power to grant development consent based on the existing SCC or have power to amend current SCC. The Commissioner did not assess nor determine any of the expert witness merit related issues. The SCC subsequently expired in March 2019. However, we consider the approved expert joint statements need to be considered within DPIE's assessment for a number of professional disciplines. A summary of the key findings of the expert joint statements will be provided separately.

Current SCC proposal

A revised application for a new SCC was lodged with DPIE on in September 2019 for a seniors housing (serviced self-care housing) development comprising:

- 85 serviced self-care dwellings and ancillary facilities
- Seven separate buildings of a maximum of three storeys
- A maximum height of 8.5m (consistent with the maximum height under the Pittwater LEP for the site and adjacent residential land).

This proposal will play an important role in meeting the demand for seniors housing and enabling older people in the area to 'age in place' and responds to well document demand for seniors housing for independent living within the Northern Beaches area. In this regard the DPIE SCC Assessment Report (August 2020) states that: ***the development proposes to accommodate 85 (2 & 3 bedroom) apartments to be occupied by seniors or people with a disability, which is a positive outcome in terms of providing a diversity of housing within a locality with an ageing population.***

The North District Plan released in 2018 highlights that the North District, and in particular the Northern Beaches LGA, will have high population growth in the over 65 age group and that there will be a need for housing which enables older people to continue living in their communities.

In 2016, NSW Family and Community Services released the NSW Northern Sydney Ageing Strategy in response to projected high growth of people aged 65 and over from 15% in 2011 to 18% in 2031. The Strategy found there is a limited supply of housing to accommodate the changing needs of older people including independent living and that there is a need to increase the supply of housing for older people in the area.

The ongoing lack of supply of seniors housing in the Northern Beaches area and the growing rate of demand is likely to result in a major shortage of independent living options in the area. The proposal has the capacity to contribute to this much needed supply through a development which is compatible with the surrounding area and accessible to services and facilities.

To support the seniors housing development, the existing golf course is proposed to be reconfigured and upgraded to improve its playability and environmental qualities. Whilst these works are not directly relevant to the SCC application (as they are permissible in any event), they demonstrate that the private recreation value of the golf course will be maintained. The proposal will also support the ongoing viability of the Bayview Golf Club, enabling it to continue to provide a valuable private recreation function for the area into the future. A letter from the Bayview Golf Club has been provided highlighting the need for the proposal to be progressed to ensure the ongoing survival of the facility (**Attachment A**).

The proposal is highly resolved and therefore in a position to be progressed immediately to the Development Application stage following approval of an SCC, providing construction jobs in the short term.

A detailed response to DPIE's reasons for refusal is provided below.

1. The proposal has significant environmental implications for existing flora and fauna (including threatened and endangered species) and the adjacent wildlife corridor

A Biodiversity Development Assessment Report (BDAR) was prepared by Anne Clements and Associates to support the SCC application (Appendix I) which provides an assessment in accordance with the Biodiversity Offsets Scheme required by the *Biodiversity Conservation Act 2016*. The assessment considered the proposed seniors housing development and associated golf course reconfiguration. Anne Clements has provided additional advice to respond to DPIE's issues which is provided at **Attachment B**.

The BDAR identified the offsetting value of the identified impacts of the proposal as a dollar value of between \$102,825.15 and \$107,107.83 (incl GST). The low offset value reflects the limited biodiversity value of the vegetation which would be impacted as a result of the proposal.

Responses are provided to the issues raised by DPIE in relation to biodiversity impacts in the table overleaf.

Biodiversity issue	Response
<p>The Department calculates that, due to the bulk and scale of the proposed development, approximately 50% of the of the mapped high priority wildlife corridor would be blocked by the proposed seniors housing development, significantly diminishing connectivity between the flora and fauna currently present within the local landscape.</p> <p>The BDAR fails to identify the areas or features of habitat that provide connectivity for the movement of fauna. The wildlife corridor map and wetlands within, adjacent to and downstream of the site have not been identified, and the potential impact on them generated by the proposed development has not been considered.</p> <p>The Department is of the view that the application did not provide conservation strategies and mitigations measures that could be adopted to avoid significant adverse effects on the threatened species and vegetation identified on the site.</p>	<p>The golf club fairways site, and adjoining mainly cleared land to the east (Pittwater High School and playing fields of Winnererremy Bay Foreshore Reserve) are mapped as High Priority Wildlife Corridors in the Pittwater DCP.</p> <p>The BDAR described the vegetation that would be impacted as highly modified and managed for playing golf with a mown understorey and trimmed canopy trees. Accordingly, the habitat value of this vegetation is limited.</p> <p>The BDAR was prepared to objectively calculate the biodiversity offset required for the clearing of native vegetation for the proposal. The limited habitat value is reflected in the low offset value.</p> <p>Further, the proposal has potential to increase the conservation value of the existing wildlife corridor from 6.86 ha of fragmented and degraded wildlife corridors to more than 15 ha of intact and connected wildlife corridor. The details of the of revegetation works would be confirmed at DA stage.</p>
<p>The Department is of the view that Powerful Owls have repeated use of the site for roosting/habitual purposes and would likely result in the following negative impacts upon the Powerful Owls such as:</p> <ul style="list-style-type: none"> • The direct loss of habitat on Lot 1 DP 662920 used for hunting • Disturbance of owls by noise, lighting and movement during both construction and during subsequent ongoing occupation such as lawn mowing, and hazard reduction can reduce breeding success by disrupting/abandoning breeding and training in survival skills of the young; and • Loss or modification of suitable roosting habitat caused by hazard reduction. 	<p>Given the presence of Powerful Owls and bats, trees were assessed for hollows and potential fauna values. No trees with large hollows were recorded within the building footprint or in the fairway vegetation south of Cabbage Tree Road, which would be considered suitable for use by Powerful Owls. Further, the golf course fairways and associated vegetation are considered too open for species such as the Powerful Owl to breed.</p> <p>The nearest known Powerful Owl nest site is identified as being 330 m to the west of the proposed building footprint area in the forested area. Given this distance, and the lack of suitability of golf course vegetation for Powerful Owls, it is considered that construction and operational noise would be unlikely to result in disturbances. Further, any impacts of light can be mitigated through sensitive design of lighting at the development application stage.</p> <p>During the consideration of the previous DA by the Land and Environment Court two expert witnesses (Dr Stephen Ambrose for the applicant and Elizabeth Ashby for the respondent) concluded that the proposal is unlikely to result in a significant adverse impact on the Powerful Owl. A number of mitigation measures to further minimise risk were identified which would be implemented at the construction phase.</p>

Biodiversity issue	Response
The Department highlighted concerns about potential impacts on microbat populations, including as a result of loss of hollow bearing trees There was no assessment undertaken by the proponent of the proposal's impact on microbat populations at the site.	<p>Glen Hoye of Fly By Night Bat Surveys has provided advice on microbat species which was included as Appendix 4 to the BDAR report.</p> <p>The advice concluded the impacts on microbat species would be minimal subject to implementation of mitigation measures including reducing artificial lighting / directing lighting downward and examination of potential roost trees prior to removal.</p>

2. The APZ requirements for bushfire would add to further impact upon significant and endangered vegetation and wildlife habitat. Insufficient evidence and consideration has been provided to address the potential direct and indirect impacts of development and mitigation measures

An Arboricultural Impact Assessment was prepared by Footprint Green (November 2018) which formed part of the SCC application (Appendix D). It assessed 290 trees within and adjacent to the building footprint, including within bushfire asset protection zones. The assessment identified that 147 trees would be removed as a result of the seniors living development, including three listed weed species, 17 which do not require approval for removal under the Pittwater DCP, and 10 that are considered unstable.

A Bushfire Assessment Report was also prepared by Building Code and Bushfire Hazard Solutions (July 2019) as part of the SCC application (Appendix K).

The Bushfire Assessment notes that a Bush Fire Safety Authority has previously been issued by the Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. The approval excludes the land identified in the Pittwater LEP as geotechnical hazard area from the identified asset protections zones (APZs). However, it is noted that the bushfire assessment recommends a number of additional management requirements over the geotechnical hazard area. It is understood these requirements arose from discussions with Council's bushfire independent expert and seek to maintain biodiversity values whilst providing increased bushfire protection.

The bushfire assessment notes the following in relation to the establishment of the APZs and additional management arrangements over the geotechnical areas:

the obvious function of the surrounding land (including the geotechnical hazard area) as a golf course will see continued management of the fairway, slashed area and gardens, thus allowing it to be considered 'equivalent to an APZ' or 'Low threat vegetation', as per the works programme of the golf club. An easement under s88B of the Conveyancing Act 1919 will be required on the surrounding land to ensure that either the Golf Course or Waterbrook are responsible for Asset Protection Zone and additional managed area.

The Bushfire Assessment Report specifically notes that the proposed tree removal and retention identified in the Arboricultural Impact Assessment satisfies the recommendations for APZs and additional management of geotechnical areas, and that further clearing would not be required. The proposed landscaping, including new planting to minimise visual impacts, identified in the Landscape Plan that was submitted with the SCC Application would also comply with APZ requirements. This was confirmed by two bushfire expert witnesses (Stuart McMonnies for the applicant and Lew Short for the respondent) as part of the Land and Environment Court hearing on the previous DA.

The Biodiversity Development Assessment Report also makes reference to the tree removal outlined in the Arboricultural Impact Assessment and has used this as the basis for its assessment.

Accordingly, it is clear that the full extent of biodiversity impacts has been considered in the SCC application, and that requirements for bushfire management would not result in further vegetation removal and associated ecological impacts.

3. The proposed height, scale and built form is out of character with the surrounding urban development and local character of Mona Vale

In this regard DPIE notes that the proposed buildings would detract from the desired future character of the area which comprises traditional one and two storey dwellings with pitched roof forms and natural vegetation coverage.

Whilst it is correct that the surrounding area includes numerous one and two storey dwellings within a landscaped setting, the local character reflects a far greater diversity of built form as outlined below and illustrated in **Attachment C**.

- Numerous large two storey dwellings with relatively small front setbacks which read as three storeys from the street due to the steep slope and car parking located beneath the dwelling.
- Two to three storeys medium density seniors housing developments and apartment buildings located within a leafy setting including Bayview Gardens (100m to the east of the building footprint).
- Three storey apartment buildings located approximately 200m to the south west of the building footprint adjoining golf course land at 50-60 Parkland Road Bayview near the corner of Parkland Road and Samuel Street. These developments are located close to the street frontage with limited street planting as a result of angle car parking on the Parkland Road frontage.
- Other seniors housing developments are located in the wider area including Peninsula Gardens comprising 3 storey development (600m to the south west of the building footprint) and Minkara Retirement Resort comprising 3-4 storey development (1km to the north of the building footprint).

On this basis it is clear that the local character has far greater diversity than the traditional one and two storey dwellings highlighted by DPIE.

The proposal has been amended since the previous SCC to reduce the height to a maximum of three storeys, with all development complying with the Pittwater LEP height limit for the site and surrounding area of 8.5m. The footprint of the building has also been amended to provide greater separation between buildings and reduce the bulk and scale.

The landscaping plans which supported the SCC application (Appendix B) detail extensive landscaping works within the building footprint including provision of 25% of the building footprint as deep soil zone, and 52% as landscaped area. It also details planting to the north of the building footprint and along the eastern boundary of the golf course site adjacent to existing dwellings to reduce visual impacts. The plan details that 100% of trees and at least 98% of shrubs, groundcovers, ferns grasses and aquatic plants would be native species of local provenance.

The proposed character comprises a low rise medium density seniors housing development within a landscaped setting and surrounded by trees, which is consistent with existing development in the local area. The height, bulk and scale of the development is generally consistent with the scale of development in the local area, noting the reduced height to 8.5m. The proposed materials and colour palette are harmonious with the surrounding landscape and built form, whilst providing a contemporary design.

The SEPP 65 Design Statement prepared by Marchese Partners which formed part of the SCC Application highlights that contextually, the proposed development is appropriate for its location and will contribute positively to the desired future character of the precinct as follows:

- The design, siting, scale, and materiality result in an overall development with an appearance which will exist in harmony with its immediate and wider environment
- Recognise it is not the 'same' as the existing development in immediate context - but a contemporary response to Seniors Living developments. The design has sought to emphasise the desired elements of the character of Bayview and emphasise those through the development (significant landscaping, a reduced scale of development and minimised site coverage)
- Harmony is achieved between the proposed development and surrounding land uses, as well as the character of the locality through sympathetic heights (reduced to be compliant), bulk and scale, which is not substantially greater than the heights, bulk and scale of development in the locality, particularly existing seniors' developments

- Harmony is also achieved as the siting and relationship of the proposed built form to surrounding space being of a lesser or consistent footprint compared to other buildings in the locality, being nearby seniors housing developments
- The proposal includes building tones and materials which are harmonious with the surrounding landscape and area.

The proposed development will not be highly visible from the surrounding area as a result of the generous street setbacks and separation distances from surrounding uses and screening provided by existing vegetation. The proposal provides for a minimum separation of 39m to dwellings to the east and 132m to dwellings to the south west. Proposed landscaping and tree planting will further minimise visual impacts from the surrounding area.

It is worth noting that DPIE does not raised any issues with the potential visual impact of the proposal on the surrounding area, except to note that it would be important at DA stage to ensure that all vegetation shown within the visual assessment which formed part of the SCC application is retained and not removed as APZ. As outlined previously, additional clearing is not required to establish the APZs.

On this basis we consider that the proposal is consistent with the surrounding character and built form. However, should the Panel have concerns about this aspect of the proposal, the applicant would be willing to consider a condition limiting the scale of the seniors housing development to two storeys reducing the number of apartments to 63 and the car spaces to 120. Whilst the footprint would remain the excavation requirements would be significantly reduced.

Conclusion

On the basis of the above information outlined in this letter and the SCC application it is considered that the Department's reasons for refusal have been appropriately addressed and that sufficient justification has been provided to support the proposal.

On this basis we seek the Panel's support for the proposal noting that DPIE's position that if the Panel concludes that the proposal has sufficient merit it would be open to the Panel to issue a SCC over that portion of the subject site which does not include land mapped as 'coastal wetland' under the Coastal Management SEPP, despite the applicant having applied for a SCC over this land.

It is further noted that, should the Panel continue to have concerns about the compatibility of the proposal with the surrounding character, the applicant would be willing to consider a condition limiting the scale of the seniors housing development as generally outlined in this letter.

Regards,



Michael File

Director

Phone: 0433 458 984

E-mail: Michael@fileplanning.com

Subject: FW: Bayview Golf Club Perspective
Date: Wednesday, 26 August 2020 at 5:17:53 pm Australian Eastern Standard Time
From: Kevin Ryan
To: Michael File, Anna Johnston
CC: Nicholas Turner
Attachments: image184418.png, image217712.png, image145607.png



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From: Bayview Golf President <president@bayviewgolfclub.com.au>
Date: Wednesday, 26 August 2020 at 5:15 pm
To: Kevin Ryan <kevinryan@waterbrook.com.au>
Cc: "Colin (EQ Projects)" <Colin.s@eqprojects.com.au>, "Damian (EQ Projects)" <Damian@eqprojects.com.au>
Subject: Bayview Golf Club Perspective

The Club is baffled by the refusal recommendation now issued by the Department of Planning. How does a project that met the requirements in 2017 now not meet the same criteria? The Club's interest in the Waterbrook project is a serious matter and should not be left to a seemingly capricious analysis of the merits of the proposal.

Financial Resiliency.

A failure to approve the Waterbrook project is an existential threat to Bayview Golf Club. For the last 7 years we have relied on Waterbrook to keep us afloat. The support Waterbrook gave to the Club helped us to deal with some debt issues and to meet our cashflow needs. As any reference to page 32 of the Club's Annual Report (as filed with ASIC) can prove, the Club made substantial losses in 7 of the last 10 years. In the 3 years the Club made a profit, the Club received support from Waterbrook. This year, without Waterbrook, I estimate the Club's loss will be in the order of \$300,000.

The Club has a strategic and financial plan that relies on what for the Club is a substantial investment in its core assets, particularly the golf course. Some of that investment has already been made and thereby we have proved that new investment causing the creation of a competitive golf course product will derive sustainable revenue that will underpin our financial resiliency. The problem is we are 25% to 30% of the way along the investment journey and the Club needs the Waterbrook project to go ahead to complete this proven plan.

Local Economy Effect.

Bayview Golf Club is an integral economic member of the local community. In summer, we provide direct jobs for up to 40 staff. Our expense base is in the order of \$3.8m that we inject for jobs in the local economy every year. This needs to continue.

If the Waterbrook Bayview project goes ahead the Club can embark on further golf course improvements. The works involved provide between \$4 million and \$5 million of additional shovel ready jobs and support for local business. We're buying sand, gravel, turf, etc. All of this is Australian derived or made, Australian jobs, no leakage to offshore.

Covid 19-Physical and Mental Health.

The Club is the outlet for exercise and recreation for 900 golfing members. Most of these members rely on the relative, socially distanced safety of a game of golf in this Covid 19 world as their one and only source of exercise for physical and mental well being. This needs to continue.

A Helicopter View.

The Club's land is zoned RE2, Private Recreation but this isn't really true. Given the various not for profit legislative provisions, the current Club members are only ever managing the land as a custodian for future generations. So, in effect, the real implied zoning is 'Public Recreation'. That's fine but the Club cannot and does not call on the public purse for support, the Club can only support itself from its assets. If the community, including the NSW Government and Northern Beaches Council, expects the Club to be a good custodian of its land, then the Club must be allowed to develop 5% of it, so it can fund the ongoing maintenance of the remaining 95% into perpetuity. The Club requests that the community take a helicopter view and recognise the delicacy of the strategic position we all find ourselves in.

regards
Marten Touw
President-Bayview Golf Club



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19 August 2020

Att: Kevin Ryan
Waterbrook Bayview Pty Ltd
Level 8, 43 Bridge Street
Hurstville 2220

RE: Biodiversity response to the DPIE draft assessment report for Bayviw SCC

The Proposal

A Biodiversity Development Assessment Report (BDAR) was prepared to objectively calculate the biodiversity offset required for the clearing of native vegetation for the proposal. The Senior Living proposal is on approximately 1.8 ha of the 36.8 ha Bayview Golf Club site. The site is "predominantly used for the purposes of golf club fairways" (page 1 of SCC Assessment Report).

The golf club fairways site, and adjoining mainly cleared land to the east (Pittwater High School and playing fields of Winnererremy Bay Foreshore Reserve) are mapped as *HP - High Priority Wildlife areas essential to fauna movement* on the Wildlife Corridor Map (Figure 17 of SCC assessment report). The proposal is to increase the conservation value of the existing wildlife corridor from 6.86 ha of fragmented and degraded wildlife corridors to more than 15 ha of intact and connected wildlife corridor (see existing on Figures 1 and proposed on Figure 28 of of SCC Assessment Report).

The proposal is mainly on and surrounded by golf fairways with approximately 0.51 ha of between-fairway vegetation required to be cleared, with:

- 0.43 ha for the Seniors Living building footprint area and the associated Bushfire Asset Protection Zone (APZ); and
- 0.08 ha for the golf course reconfiguration.

Under the NSW *Biodiversity Conservation Act 2016 (the Act)*, clearing native vegetation has the same meanings as in Part 5A of the *Local Land Services Act 2013*, namely:

.... any one or more of the following—

- (a) *cutting down, felling, uprooting, thinning or otherwise removing native vegetation,*
- (b) *killing, destroying, poisoning, ringbarking or burning native vegetation*

Current golf land use

Existing site management practices onsite could be considered as 'clearing' under *the Act* with existing routine maintenance of the golf course including:

- routine mowing and herbicide and pesticide control of any species other than specified grasses on fairway, tee and green maintenance;
- periodic vertical pruning of between-fairway canopy trees / shrubs (both planted and native) for hazard reduction and golfer safety, slashing of the understorey of the between-fairway vegetation to assist in locating lost golf balls; as well as
- landform modifications for fairways, tees, greens and bunkers, and
- diversion and channelising of creeks.

The habitat value of the between-fairway vegetation assessed has been adversely affected by the ongoing golf course management, with:

- no natural regeneration occurring,
- no fallen logs,
- very few large trees with one tree in DBH class of 80+ cm recorded in the Plots,
- most cover recorded in the Plots being species in the BAM tree group,
- understorey cover and species diversity is generally low due to golf course management under the canopy trees, and
- cover by High Threat Weeds between from 8 to 94%.

Proposed future land use

The proposed Seniors Living component leads to an upgrade of the golf course. Upgrades result in a decrease in ongoing maintenance cost and an increase in golf play-ability, with:

- the re-establishment of natural waterflow within wildlife habitat corridors on the course; and
- reduction of herbicide and pesticide demand with change in fairway grass species better adapted to saline soils and variable rainfall.

These modifications enhance, protect and provide niches for local native biodiversity, especially for frogs, bats, birds and prey species for Powerful Owl and Square-tailed Kite within the proposed connected wildlife corridor.

A site-specific Vegetation / Conservation / Biodiversity Management Plan has been prepared (Appendix 4 of Clements *et al.* 2018) to address the recommendations in the Biodiversity Assessment (Clements *et al.* 2018), the Objects and Principles of the NSW *Water Management Act 2000*, and meet the requirements of Northern Beaches Council's Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan (DCP). This plan can readily be amended to address concerns raised in the SCC assessment report, such as to minimise any potential impacts on foraging of Powerful Owl and bats during the construction phase and during occupancy.

Bushfire Asset Protection Zone (APZ)

The extent of the required Bushfire APZ is correctly shown on Figure 4 of SCC assessment report. The APZ management is minimal due to the surrounding golf fairways. Within the APZ, the habitat value of the existing east-to-west wildlife corridor is being enhanced by increasing exposed sandstone, water ponding and rainforest understorey (details on pages 23, 24 of Bushfire Assessment Report dated 2 July 2019).

Of the 290 trees assessed in the Arborist Report, 147 are required to be removed. These include:

- 15 reported to be unstable,
- 17 not requiring approval for removal under the Northern Beaches DCP,
- 3 Biosecurity Weeds (*Ligustrum lucidum*) and
- 1 Cabbage Tree Palm to be transplanted onsite.

Only 16 of the 147 trees to be removed are outside the building footprint, including 2 in the road reserve and 14 for the APZ. Six (6) of these 16 are exempt from protection under the DCP.

Vegetation communities

Advice from the Office Environment and Heritage (OEH) regarding planted trees is that:

Where there is native vegetation on site that does not conform to a PCT OEH's advice is to apply the BAM and prepare a BDAR assessing it against the best-fit PCT. ...If the vegetation being used by the threatened species is exotic it should be assessed as a prescribed impact under the BAM.

For the highly modified "between-fairways" vegetation of the golf course, the best-fit Plant Community Types (PCTs) were the following (from Table B-1 of the BDAR).

PCT		Associated Threatened Ecological Community (TEC)	Mapped by OEH (2016)
1565	<i>Turpentine - Rough-barked Apple - Forest Oak moist shrubby tall open forest of the Central Coast</i>	No. Not a TEC	On building footprint area.
1214	<i>Spotted Gum - Grey Ironbark open forest in the Pittwater and Wagstaffe area, Sydney Basin Bioregion</i>	Yes. <i>Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion</i>	To NW of the building footprint area.
1795	<i>Swamp Mahogany / Cabbage Tree Palm Cheese Tree – Swamp Oak tall open forest on poorly drained coastal alluvium in the Sydney Basin.</i>	Yes. <i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>	To SE of building footprint area on the low-lying land.

Note: PCT 1565 is mapped by OEH 2016 on the proposed building footprint area as shown in Figures 15, 16 of SCC Assessment Report (from Figure B-6a of the BDAR). PCT 1565 is not a threatened ecological community (TEC) and incorrectly shown on Figure 16 of the SCC Assessment Report.

It is stated in paragraph 3.1.1.3 of *Biodiversity Assessment Methodology* (OEH 2017) that:

If, during the assessment of biodiversity values for any type of development, clearing or biodiversity certification proposal as required by Chapter 5, the assessor determines that:

....

(d) a vegetation zone has a vegetation integrity score <20 where the PCT is not representative of a TEC or associated with threatened species habitat.

.....

then for that vegetation zone:

(e) assessment of native vegetation is not required beyond Section 5.4, and

(f) an assessment of threatened species habitat according to Section 6.2 and Paragraph 6.2.1.4 is not required.

Many of the Plots sampled had a vegetation integrity score of <20 for all of the "best-fit" PCTs, with all of the Plots on the low-lying section of golf course having scores too low to be considered associated with threatened species, except possibly one of these Plots with a score of 21.1.

Threatened Species

Flora - None of the candidate threatened plant species from the BAM calculator were recorded in the building footprint area during targeted searches, nor are they likely to occur.

In the targeted search of the site, 6 *Rhodamnia rubescens* were recorded in undisturbed forest in the north-west of the site, with 5 of the 6 plants infected by Myrtle Rust, and one healthy individual was recorded on the road reserve of Cabbage Tree Road. One individual of *Syzygium paniculatum* was recorded north of Cabbage Tree Road as a likely remnant, in poor health and surrounded by golf course paths.

Fauna - Fauna surveys identified the presence of nine threatened species on the approximately 36.8 ha site, namely:

- seven bat species (Grey-headed Flying-fox, Large-eared Pied Bat, Eastern Bentwing-bat, Southern Myotis (restricted to watercourse habitats), Little Bentwing-bat, Eastern False Pipistrelle, Eastern Freetail-bat) (details in Appendix 4 of the BDAR).
- two bird species (Powerful Owl, Square-tailed Kite) were recorded.

Only six of the predicted threatened fauna species from the BAM calculator (Square-tailed Kite, Eastern Freetail-bat, foraging habitat of three bat species and foraging habitat of Powerful Owl) confirmed on the proposed development area (Table K of the BDAR), with:

- nearest known Powerful Owl nest site being 330 m to the west of the proposed building footprint area in the forested gully, and
- none of the 13 trees recorded with hollows on the building foot print area having large hollows suitable for Powerful Owl (see Table J-1 of the BDAR):

Location	Hollow opening size			Possible (un-confirmed)	Total
	Large (> 30cm)	Medium (b/w large and small)	Small (< 6cm)		
Proposed building footprint area	0	3 (+2 entrances)	7	1	13

Offsetting using the BAM calculator:

The data input to the BAM calculator for each of the five identified vegetation zones was conservatively represented by Plots with the highest vegetation integrity scores. Hence the objectively calculated ecosystem and species credits required to offset the clearing is considered conservative, for

- building footprint area - **8 ecosystem credits** for either PCT 1565 or PCT 1214; and
- re-configuring the low-lying Golf Course - **1 ecosystem credit** for PCT 1795.

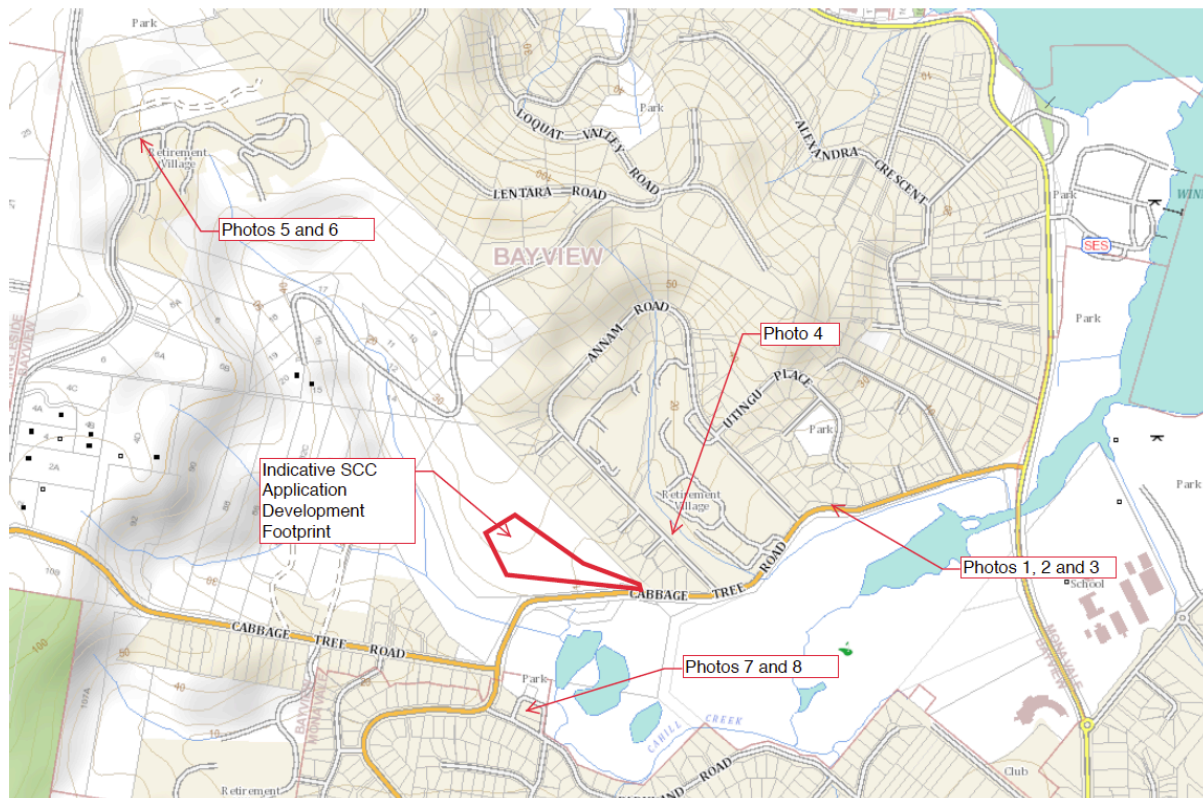
In terms of habitat being removed, the objectively calculated **species credits** was slightly higher for PCT 1565 (93 credits) than for PCT 1214 (87 credits). PCT 1595 is not a listed threatened ecological community. The value of the Biodiversity Offset for the proposal was objectively calculated to be \$102,825.15 and \$107,107.83.

In conclusion, the clearing for the proposal is of between-fairways on land "predominantly used for the purposes of golf club fairways". The value of the objectively calculated Biodiversity Offset is consequently low.

Yours faithfully,

Dr AnneMarie Clements and Dr Anne Baumann

Attachment C – local character images



Surrounding character image locations



Photo 1: Two storey dwellings approximately 350m to the east of the building footprint (30 and 28 Cabbage Tree Road)



Photo 2: Two and three storey dwellings approximately 400m to the east of the building footprint (24 and 22 Cabbage Tree Road)



Photo 3: Three storey dwelling approximately 350m to the east of the building footprint (32 Cabbage Tree Road)



Photo 4: Bayview Gardens Retirement Village – 3 storey development approximately 100m to the east of the building footprint



Photo 5: Minkara Retirement Resort – 2-4 storey development approximately 1km to the north of the building footprint



Photo 6: Minkara Retirement Resort: 2-4 story development approximately 1km to the north of the building footprint (looking East from Minkara Road)



Photo 7: 60 Parkland Road, Mona Vale – 3 storey development approximately 200m to the south west of the building footprint



Photo 8: 50 Parkland Road, Mona Vale – 3 storey development approximately 200m to the south west of the building footprint