



Planning,  
Industry &  
Environment

REPORT TO THE SYDNEY NORTH PLANNING PANEL ON AN APPLICATION FOR A  
SITE COMPATIBILITY CERTIFICATE UNDER STATE ENVIRONMENTAL PLANNING  
POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

## Bayview Golf Club Seniors Housing

Site Compatibility Certificate Assessment Report  
(SCC\_2019\_NBEAC\_001\_00)

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## Glossary

Abbreviation	Definition
AEP	Annual Exceedance Probability
AIA	Arboricultural Impact Assessment
APZ	Asset Protection Zone
BDAR	Biodiversity Development Assessment Report
Council	Northern Beaches Council
DA	Development application
DCP	Development Control Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
IPA	Inner Protection Area
LEC	Land and Environment Court
LEP	Local Environmental Plan
OPA	Outer Protection Area
PCT	Plant Community Type
Planning Panel	Sydney North Planning Panel
PMF	Probable Maximum Flood
SCC	Site Compatibility Certificate
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
Seniors Housing SEPP	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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# 1. Site description

The applicant Waterbrook Bayview Pty Ltd has applied for a Site Compatibility Certificate (SCC) over land comprising of the whole of the Bayview Golf Course, which is located at 52 Cabbage Tree Road and No. 1825 Pittwater Road, Mona Vale, located at the southern end of Pittwater Waterway (subject site). The site is located in the Local Government Area of Northern Beaches.

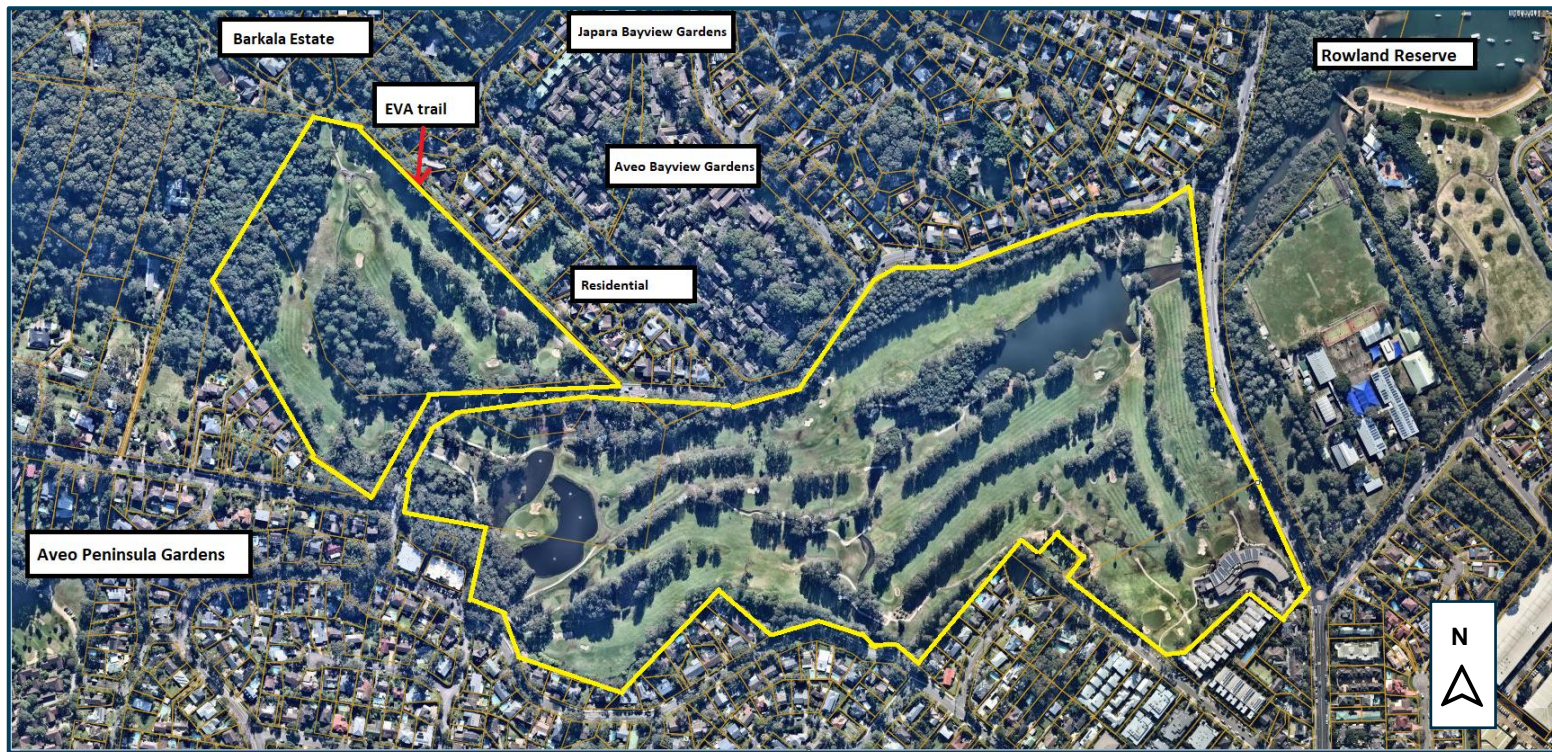
The site is split into two portions divided by Cabbage Tree Road and also bordered by Pittwater Road, Darley Street West, and Parkland Road (**Figure 1**). The subject site comprises an area of approximately 36.8ha. It is irregular in shape and is predominantly used for the purposes of golf club fairways.



**Figure 1** – Bayview Golf Course 1825 Pittwater Road, Mona Vale (The site)

The subject site is predominantly surrounded by single and two storey dwelling houses. A number of senior housing developments are in proximity to the site including the Bayview Gardens Retirement Village, operated by Aveo, which is located approximately 100 metres to the east of the site, fronting Cabbage Tree Road and Annam Road (**figure 2**).





**Figure 2** – Aerial image of the site and surrounding development

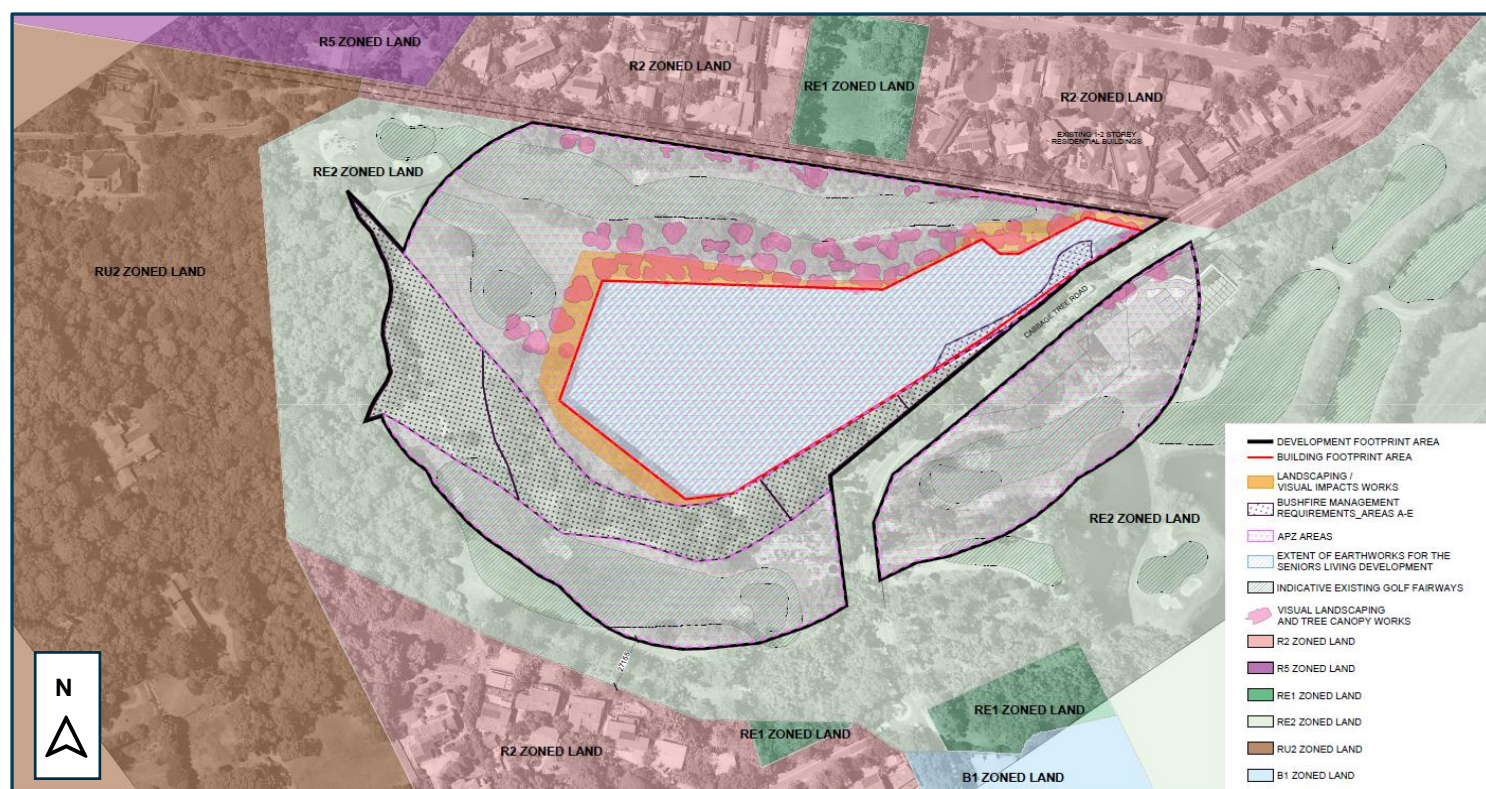
The application (**Attachment A**) proposes two indicative footprints for the site. Both are summarised below:

- *Indicative building footprint (Figure 3)*: the building footprint would support the construction of the seniors housing; and
- *Indicative development footprint (Figure 4)*: the development footprint covers the building footprint area and additional areas that are expected to form part of the overall seniors housing development. In addition to the building envelope, this footprint comprises the Asset Protection Zones (APZ), site access arrangements on Cabbage Tree Road and the removal and plantation of trees.





**Figure 3** - Seniors Housing Indicative Building Footprint (Source: Marchese Partners refer to architectural plans no. 6.02)



**Figure 4** - Seniors Housing Indicative Development Footprint (Source: Marchese Partners refer to architectural plans no. 6.05)

## 2. Background

The subject site has previously benefitted from a SCC for 95 “in-fill self-care housing units and ancillary facilities for the purpose of seniors living” in 7 buildings of 3-4 storeys, issued in March 2017 by the Department (**previous SCC**).

After the previous SCC was issued, a Development Application (DA) was lodged with Northern Beaches Council for seniors housing consistent with the previous SCC. This DA was refused by the Sydney North Planning Panel on the basis that the typology, bulk and scale was not compatible with the existing and future character of the area, and that impacts on biodiversity were substantial and adverse. An appeal to the Land and Environment Court by the applicant was unsuccessful.

Although the Department issued the previous SCC in March 2017, the conclusions in this report are based on a merit assessment of the current SCC application and site context as it exists today.

The table below provides a timeline of the significant SCC and DA events in relation to seniors housing on the Bayview Golf Course.

**Table 1:** Summary of significant SCC and DA events

Date	Description
August 2014	A SCC application was lodged with the Department for 115 in fill self-care units. The concept design included 7 separate buildings 4-5 storeys in height and basement parking 218 vehicles.

Date	Description
September 2015	SCC application refused on the basis on inconsistency with surrounding character, flooding and biodiversity.
February 2016	A revised SCC application lodged with the Department for 95 in fill self-care housing units. The concept design included 7 separate buildings 3-4 storeys and basement parking for 192 vehicles, as well as whole of golf course concept.
March 2017	The Department issued SCC permitting 95 in-fill self-care units and ancillary facilities.  The SCC was valid for 24 months and expired on 27 March 2019.
December 2017	A subsequent Development application was lodged with Northern Beaches Council for golf course upgrade and seniors housing development comprising 95 dwellings.
August 2018	Sydney North Planning Panel refused the DA. The main reasons for refusal related to typology, scale, bulk and height, compatibility, biodiversity, visual impact and the exceedance of the LEP height limit was not justified.  Appeal lodged with the Land and Environment Court (LEC).
October 2018	Amendments were made to the State Environmental Planning Policy (Seniors Housing) 2004 (Seniors Housing SEPP) to introduce new rules for SCC applications.
November 2018	Proponent lodged an application to the Department to amend the SCC to: <ul style="list-style-type: none"> <li>• replace the description of the type of self-contained dwellings from in-fill self-care dwellings with ancillary services to 'serviced self-care housing';</li> <li>• note that the asset protection zone extends beyond the boundaries of the building footprint area; and</li> <li>• correct the mapping error in the current SCC as to the location of the building footprint area.</li> </ul>
March 2019	The LEC refused the DA under appeal on procedural reasons. Namely that it did not have the jurisdiction to grant development consent as the SCC (the previous SCC) had expired.
September 2019	A new SCC application was submitted to the Department for assessment, which is currently under consideration.



### 3. Proposal

The seniors housing development detailed in the SCC application comprises 7 buildings at a maximum of 3 storeys in height, incorporating 85 serviced self-care housing and ancillary facilities.

The seniors housing development comprises:

- Basement parking for 161 cars;
- Landscaping including creation of a communal open space;
- Construction of a road linking the proposed development to Cabbage Tree Road and construction of a roundabout on Cabbage Tree Road with an associated pedestrian crossing;
- Construction of a separate pedestrian pathway from the building footprint to the existing footpath on Cabbage Tree Road and along Annam Road to Kiah Close with kerb ramps to provide access to the bus stop opposite Bayview Gardens;
- Extension/augmentation of services and utilities to service the development;
- Establishment and management of bushfire asset protection zones; and
- Signage adjacent to the roadway entrance.

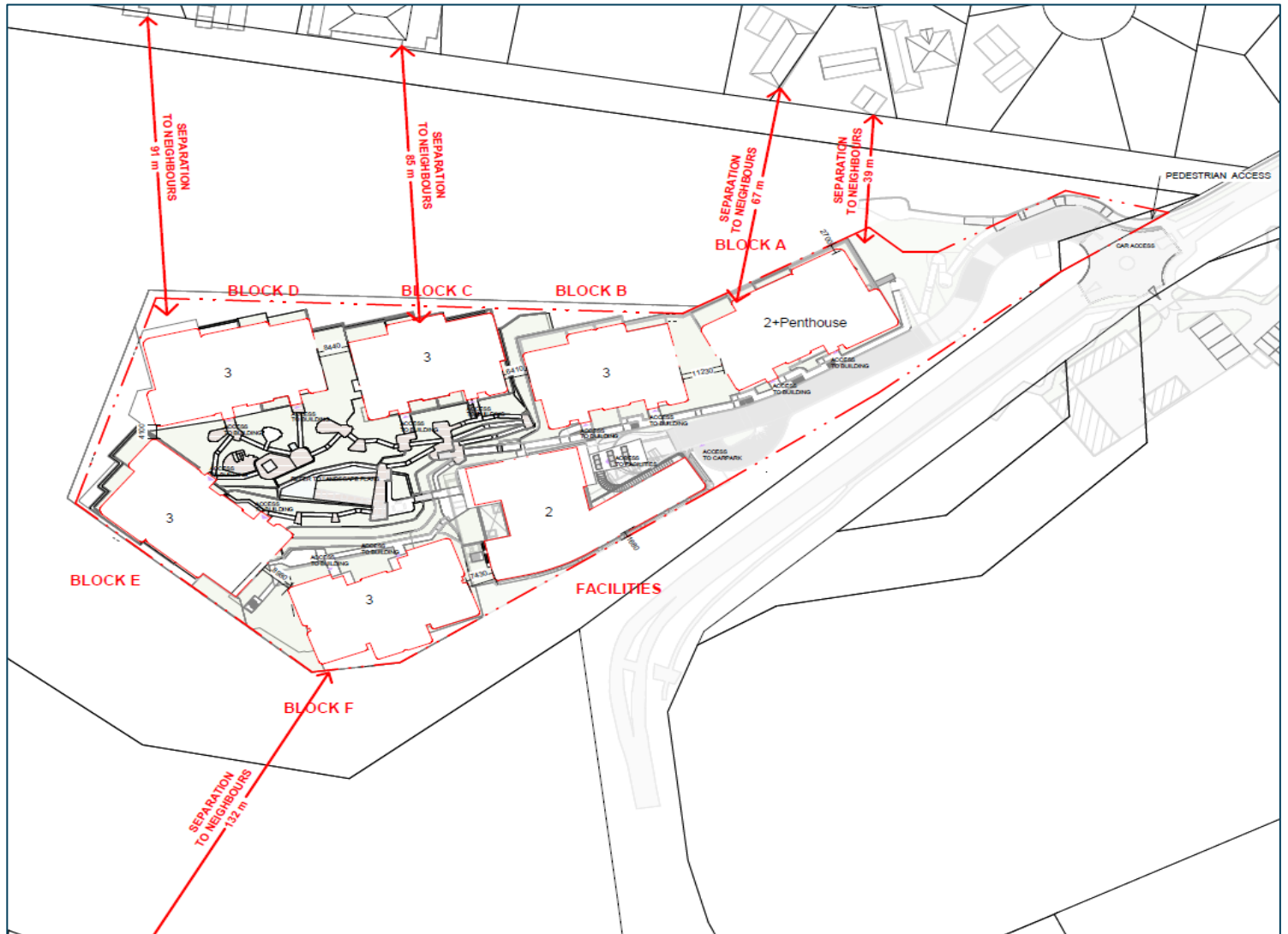
Indicative building plans as well as sections have been provided for the site showing the proposal in the context of its surrounds. This is provided as Attachment A20. The built form can be seen in figures 5,6,7,8 and 9, below.

The development would be operated as a retirement village within the meaning of the *Retirement Villages Act 1999*.

The existing golf course would be reconfigured and upgraded to retain all 18 holes and accommodate the seniors housing development.

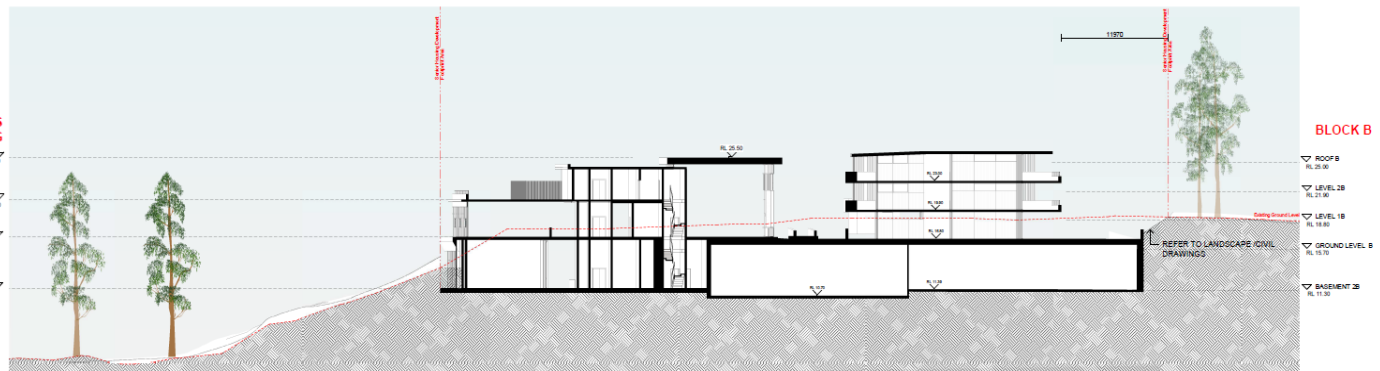
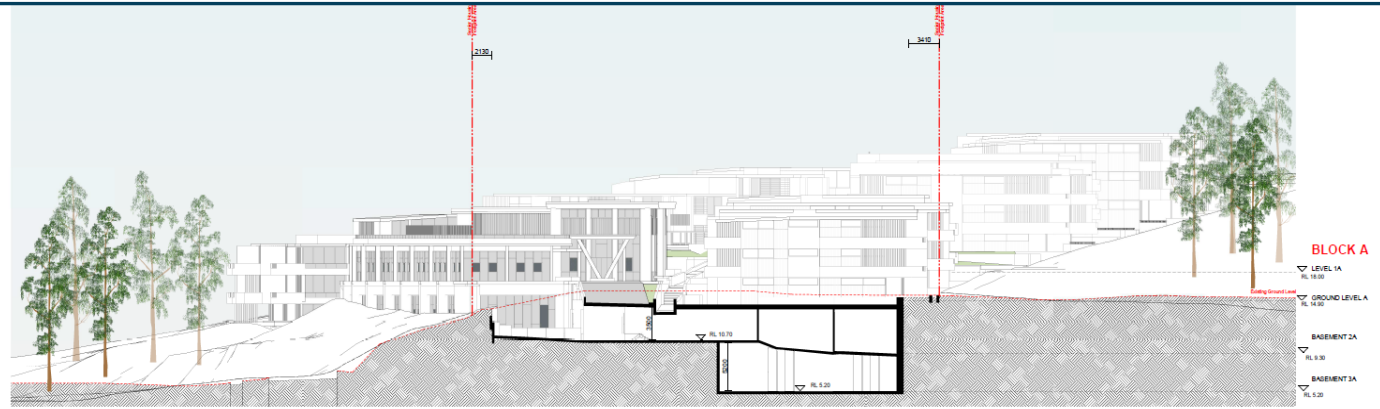


**Figure 5** - Ground level building plan (Source: Marchese Partners refer to architectural plans no. 2.04)

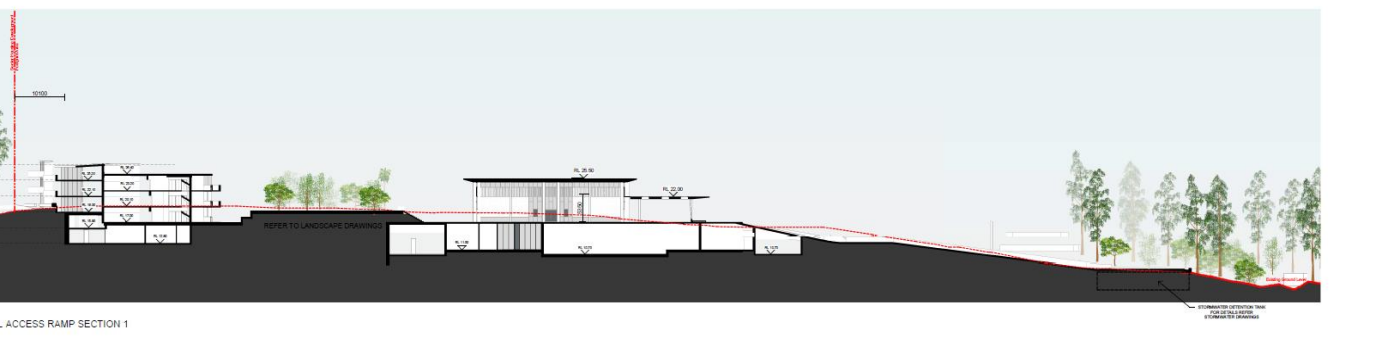
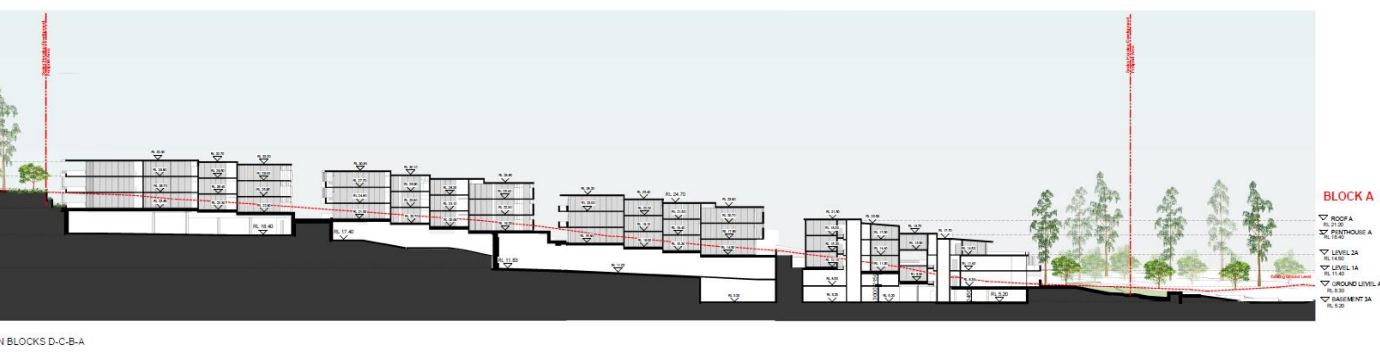


**Figure 6 – Proposed building arrangement and separation between the blocks (Source: Marchese Partners refer to architectural plans no. 1.03)**

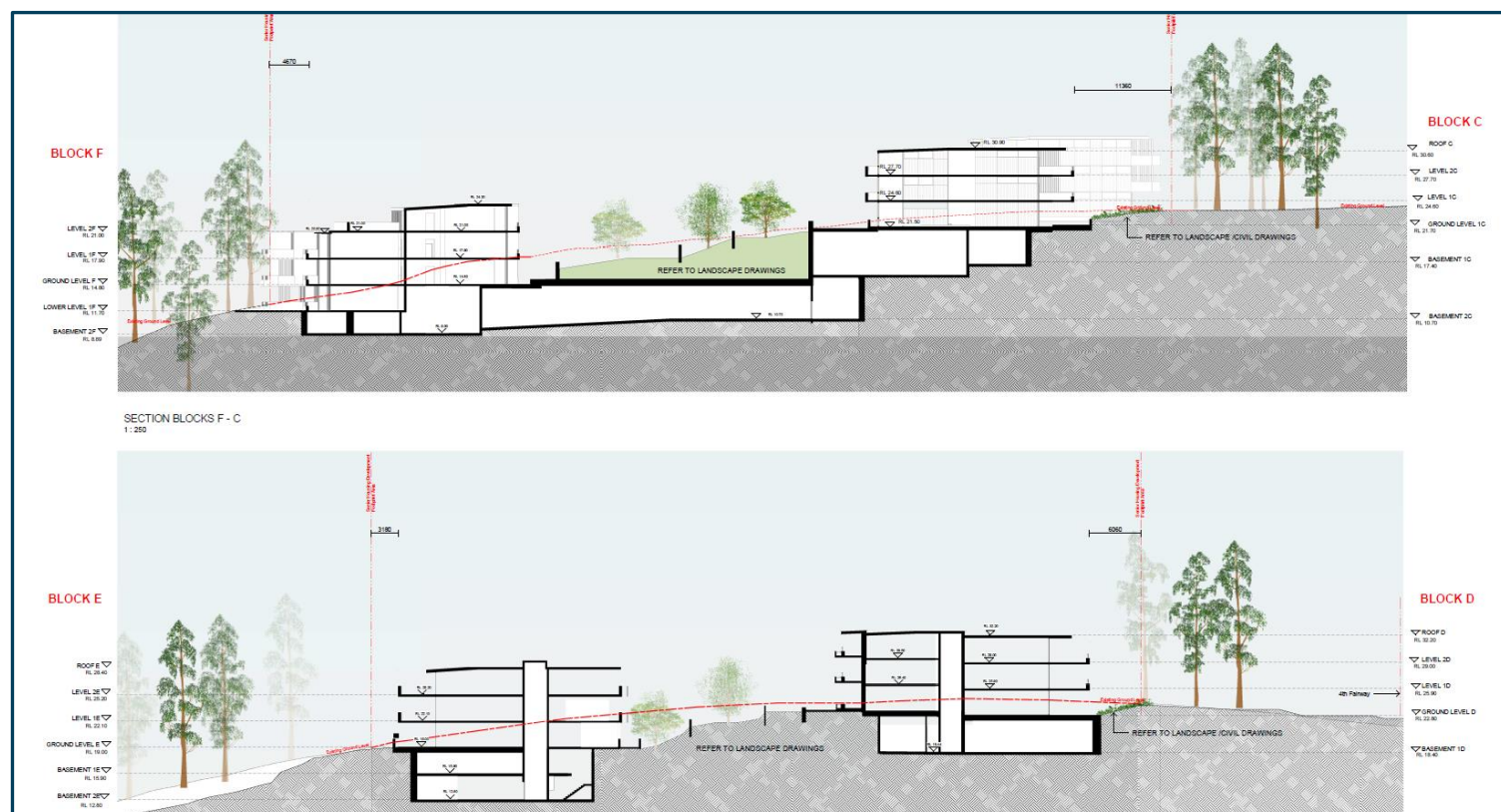




**Figure 7-** site sections showing the depth of basement and extent of excavation for Block A and B (Source: Marchese Partners refer to architectural plans no. 4.01)



**Figure 8 –** site sections showing the depth of basement and extent of excavation for Block D, C, B and A as well as access ramp (Source Marchese Partners refer to architectural plans no. 4.02)



**Figure 9** – site sections showing the depth of basement and extent of excavation for Block F, C, E and D (Source Marchese Partners refer to architectural plans no. 4.03)

**Table 2:** Further detail of the proposed seniors housing development is provided as follows:

Proposed development	Description	Number of units
Basement levels	A three-level basement is proposed for the seniors housing development, providing a total of 161 parking spaces. The basement level also includes access to the facilities building, indoor swimming pool and spa centre, cinema, arts and craft, parking, storage cages for the residents.	
Blocks A and B	Block A and B are located towards the eastern boundary of the seniors housing development and would be approximately 3 storeys in height.	Block A provides for a total of 13 units.  Block B provides for a total of 12 units.
Blocks C and D	Blocks C and D are located at the northern end of the seniors housing development and would be approximately 3 storeys in height.	Block C provides for a total of 12 units.  Block D provides for a total of 15 units.
Blocks E and F	Blocks E and F are located at the western end of the seniors housing development and would be approximately 3 storeys in height.	Block E provides for a total of 15 units.  Block F provides for a total of 18 units.



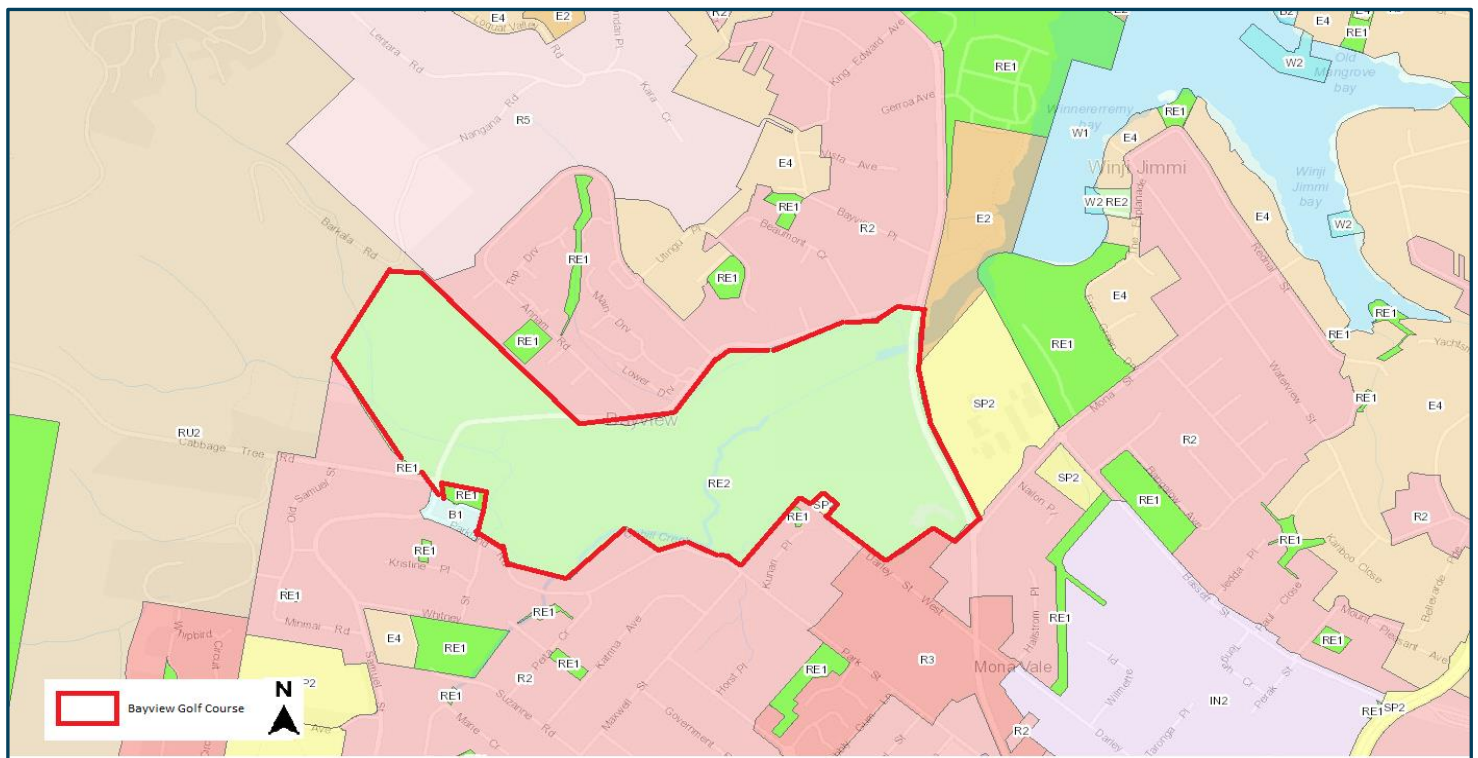
Proposed development	Description	Number of units
Facilities Building	The proposed facility building is located towards the southern boundary of the seniors housing development and is 3 storeys in height. The facilities building include the reception area, office and library	

## 4. Permissibility

The subject site is owned and operated by the Bayview Golf Club and is identified by the applicant as a registered club. It is zoned RE2 Private Recreation under *Pittwater Local Environmental Plan (LEP) 2014* (**Figure 10**). Seniors housing is not a permitted land use in this zone under the LEP.

The site directly adjoins land that is zoned R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre and pockets of land zoned RE1 Public recreation. The SCC application states that the Bayview Golf Club and the land on which the seniors housing is proposed falls within the description of “land that adjoins land zoned primarily for urban purposes”.

In accordance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* (Seniors Housing SEPP), the applicant is seeking a site compatibility certificate (SCC) on the basis that the subject site adjoins land zoned primarily for an urban purpose and is currently being used for the purposes of a registered club.



**Figure 10** - Land Use Zoning Map – Bayview Golf Course

## 5. Seniors Housing SEPP

### 5.1 Does the Seniors Housing SEPP apply to the subject site?

Subject to other considerations detailed later in this report, the Seniors Housing SEPP relevantly applies to land that is:

- zoned ‘primarily for urban purposes’ or land that ‘adjoins land zoned primarily for urban purposes’ (clause 4(1)); and

- the land is being used for the purpose of a 'registered club'.

## 5.2 Is the subject site zoned 'primarily for urban purposes' or does it 'adjoin land zoned primarily for urban purposes'?

Land not zoned 'primarily for urban purposes' is defined under clause 4(2) of the Seniors Housing SEPP as (but not limited to) land that is:

- Principally for rural purposes;
- Principally for urban investigation; or
- A zone that is identified as principally for residential uses on large residential allotments (e.g. R5 Large Lot Residential or RU6 Transition zones as per the Standard Instrument LEP).

However, this does not mean that all other land is therefore land 'zoned primarily for urban purposes.'

The SCC application states that the subject site is not land zoned primarily for urban purposes, but rather immediately adjoins land zoned primarily for an urban purpose, such as R2 Low Density Residential, R3 Medium Density Housing and B1 Neighbourhood Centre.

The subject site is located approximately 10.71m from land that is zoned R2 Low Density Residential, and in this regard the Department considers that the subject site is in sufficient proximity to this land for the subject site to be considered to adjoin land zoned primarily for urban purposes in satisfaction of clause 4(1) of the Seniors SEPP. Further, taking into account the total area of adjoining land, the Department is satisfied that most of the land the subject site adjoins is land zoned for urban purposes, as is required by clause 4(5) of the Seniors SEPP.

Under clause 17 of the Seniors Housing SEPP, a consent authority must not consent to a development application for seniors housing on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of serviced self-care housing. The proposal is consistent with Clause 17 of the Seniors Housing SEPP as the development would deliver 85 serviced self-care housing units.

## 5.3 Is land excluded from the operation of the Seniors SEPP under Schedule 1?

Clause 4(6)(a) of the SEPP provides that the Seniors SEPP does not apply to land described in Schedule 1 of the SEPP (environmentally sensitive land). This includes land that is identified in another environmental planning instrument (EPI) (such as a Local Environmental Plan (LEP)) by any of the following descriptions, or by like descriptions, or descriptions that incorporate any of the following words or expressions:

- Coastal protection;
- Conservation (but not land identified as a heritage conservation area in another environmental planning instrument);
- Critical habitat;
- Environment protection;
- Open space;
- Escarpment;
- Floodway;
- High flooding hazard;
- Natural hazard;
- scenic (but not land that is so identified if:
  - The land is within a residential zone in which development of two storeys or more in height is permitted, or
  - An adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),

- Water catchment; and
- Natural wetland

### Natural wetland

On 8 April 2020 the Northern Beaches Council (**the Council**) wrote to the Department (**Attachment C1**) stating that:

- part of the subject site is land mapped as 'coastal wetland' under the *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) – a subcategory of land within the *Coastal Wetlands and Littoral Rainforests Area*.
- that the recent case of *S J Connelly CPP Pty Ltd and Kate Singleton Pty Ltd t/as Planners North v Northern Regional Planning Panel (No 2) [2019] NSWLEC 199* determined that land mapped as 'coastal wetland' under the Coastal Management SEPP was environmentally sensitive land within the meaning of the Seniors SEPP because 'coastal wetland' is a 'like term' to 'natural wetland', and
- as a result, any SCC issued over the subject site would be invalid, as it would include land specifically excluded from the application of the Seniors SEPP under clause 4(6)(a).

The Department confirmed that a portion of land in the north-east of the subject site is mapped as 'coastal wetland' within the *Coastal Wetlands and Littoral Rainforests Area* under the Coastal Management SEPP (**Figure 11**).



**Figure 11** – Land to which the Coastal Management SEPP applies on the site

It is important to note that while the land that is mapped as 'coastal wetland' under the Coastal Management SEPP does not overlap with the Indicative Development Footprint for the proposed development (**Figure 3**), it is still within the subject site as identified in the SCC application.

On 19 May 2020 the applicant's legal counsel sent a letter to the Department responding to Council's 8 April 2020 letter (applicant's legal advice) (**Attachment G**). In summary, the applicant's legal advice states that:

- The Council's letter seriously misrepresents the Court's decision in *S J Connelly CPP and Kate Singleton v Northern Regional Planning Panel (No 2) [2019] NSWLEC 199* because there was no issue in those proceedings as to whether a 'coastal wetland' under the Coastal Management SEPP was excluded as 'environmentally sensitive land' under the Seniors



Housing SEPP, as the case only focused on whether land mapped as 'proximity area for coastal wetlands' is excluded from the Seniors Housing SEPP.

- In any event, clause 4(7)(a) of the Seniors SEPP should be interpreted to mean that all land identified under the Coastal Management SEPP is not capable of satisfying clause 4(6) of the SEPP, and therefore cannot be environmentally sensitive land within the meaning of the Seniors SEPP.

Clause 4(7) of the Seniors SEPP provides that:

*Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because—*

*(a) the land is identified under State Environmental Planning Policy (Coastal Management) 2018, or*

*(b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as—*

*(i) private open space, or*

*(ii) open space where dwellings or dwelling-houses are permitted.*

Taking into account the above, the Department sought legal advice in relation to this issue. This legal advice concluded that there were significant issues with the reasoning set out in the applicant's legal advice, and that the validity of a SCC issued over the subject site (which includes the land mapped as 'coastal wetland') could be challenged in court. This advice has not been attached to this report as it is confidential, and the Department wishes to retain legal professional privilege over this advice.

Despite the above, the Department is of the view that if the Panel concludes that the issuing of a SCC is appropriate in this instance (subject to issues of merit detailed later in this report), 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.

This approach is to be distinguished from the approach detailed in paragraph 3.4 of the applicant's legal advice which states that:

*"If the Department or the Sydney North Planning Panel have any concern about the status of the 'coastal wetlands' land identified under the Coastal Management SEPP, our client would not object to a requirement being imposed, under clause 25(7) of the Seniors Housing SEPP, that no development for the purposes of a seniors housing development take place on that land."*

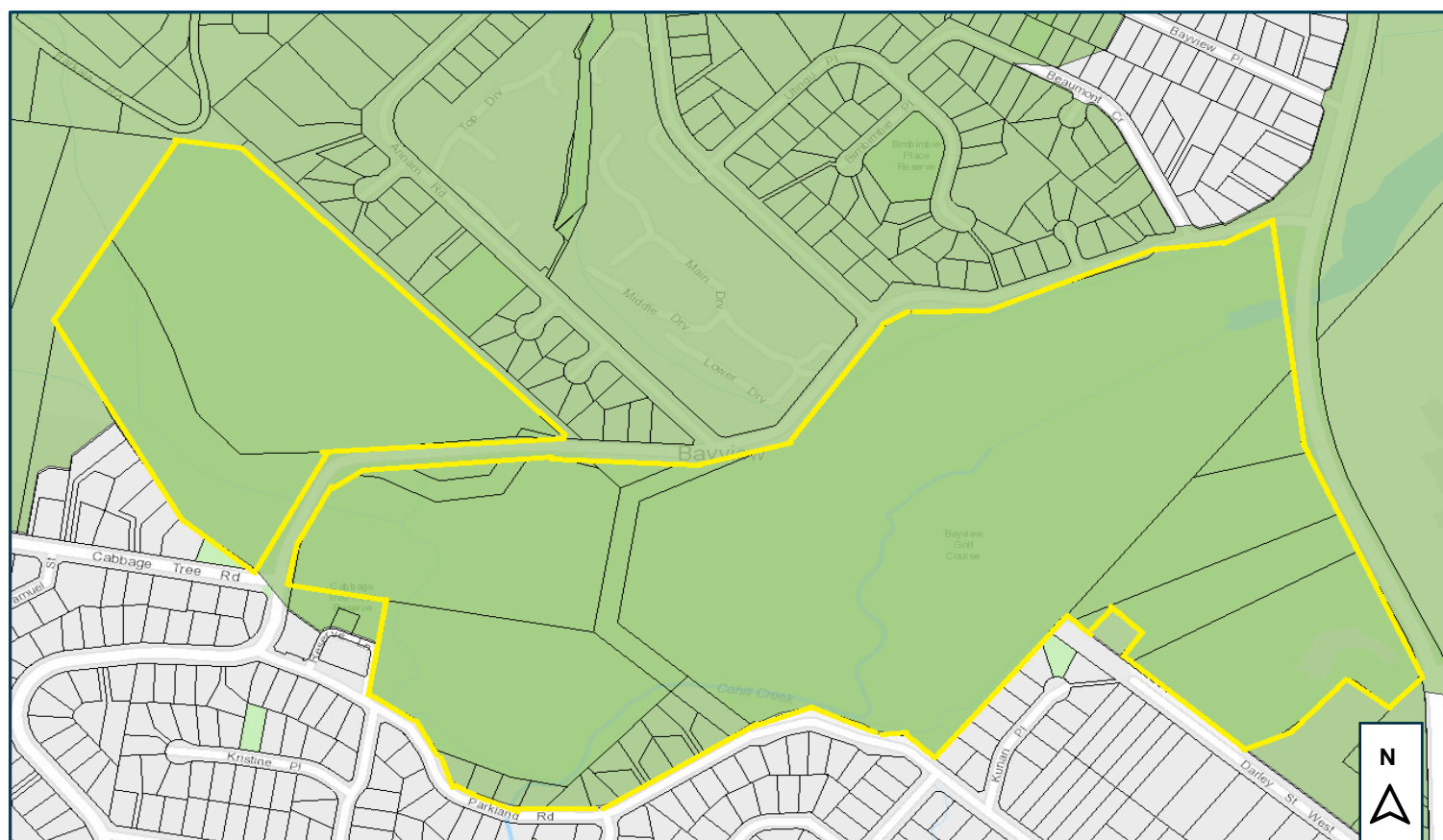
Based on its own legal advice, the Department is of the view that effectively excising the land mapped as 'coastal wetland' through a requirement imposed under clause 25(7) of the Seniors SEPP would not overcome a potential challenge to the validity of the SCC, as the SCC would still encompass land mapped as 'coastal wetland', whether or not development for seniors housing would be permitted on that portion of the subject site. In this regard, the better approach would be to ensure that any SCC granted does not include land mapped as 'coastal wetland'.

#### Open space

Schedule 1 also includes 'open space' as environmentally sensitive land. However, it is also noted that clause 4(7)(b) of the Seniors SEPP (see above) states that nothing in Schedule 1 of the SEPP precludes the application of the policy in the case of land that is used for the purposes of an 'existing registered club', if the land is described in another EPI as private open space.

The subject site is zoned 'RE2 Private Recreation' under the Pittwater LEP 2014, which includes objectives to enable land to be used for 'private open space'. In accordance with clause 4(7) of the SEPP, the RE2 zoning describes land to be used as private open space in relation to an existing registered club and therefore is not 'environmentally sensitive land' for the purposes of clause 4(6) of the Seniors SEPP.

#### Conservation and environment protection



The Pittwater LEP defines the word ‘biodiversity’ to mean *the variety of living animal and plant life from all sources and includes diversity within and between species and diversity of ecosystems*. In working out whether the description of “biodiversity” is a “like description” for “conservation” and “environment protection,” the court case *Australian Nursing Home Foundation Limited v Ku-ring-gai Council [2019] NSWLEC 1205* suggests that “biodiversity” is not a “like description” or similar verbal description for “conservation” or “environmental protection” because when the meaning is considered in context “biodiversity” is an attribute of land and not an identifying description of that land. Accordingly, the Pittwater LEP’s identification of the land as ‘Biodiversity’ are not ‘like descriptions’ in Schedule 1 and does not exclude the land from the operation of the Seniors Housing SEPP.

In addition, the court's approach in the *Rosewood Australia Pty Ltd v Ku-ring-gai Council* [2019] NSWLEC 84 indicates that land mapped "Biodiversity" is not considered to be "Environmentally sensitive land" within the meaning of Schedule 1 of Seniors Housing SEPP.

Therefore, the identification of the site on the Pittwater LEP map does nothing more than identify that the land has “biodiversity” as an attribute.

### Natural Hazard

The land includes land identified by the Pittwater LEP as Geotechnical Hazard. The court case *Whittaker v Northern Beaches Council (No. 3) [2018] NSWLEC 143* has previously found that the description of Geotechnical Hazard used in the Pittwater LEP is not a ‘like description’ of the expression of ‘natural hazard’ in Schedule 1 of the Seniors Housing SEPP. This is because there is a substantial difference between the definition and description of “geotechnical” (being a hazard that is likely to have been created as a result of human activity and or technology) and “natural” hazard (defined as being existing in or formed by nature and not artificial). For that reason, the term natural hazard under Schedule 1 is precluded from applying to the land.

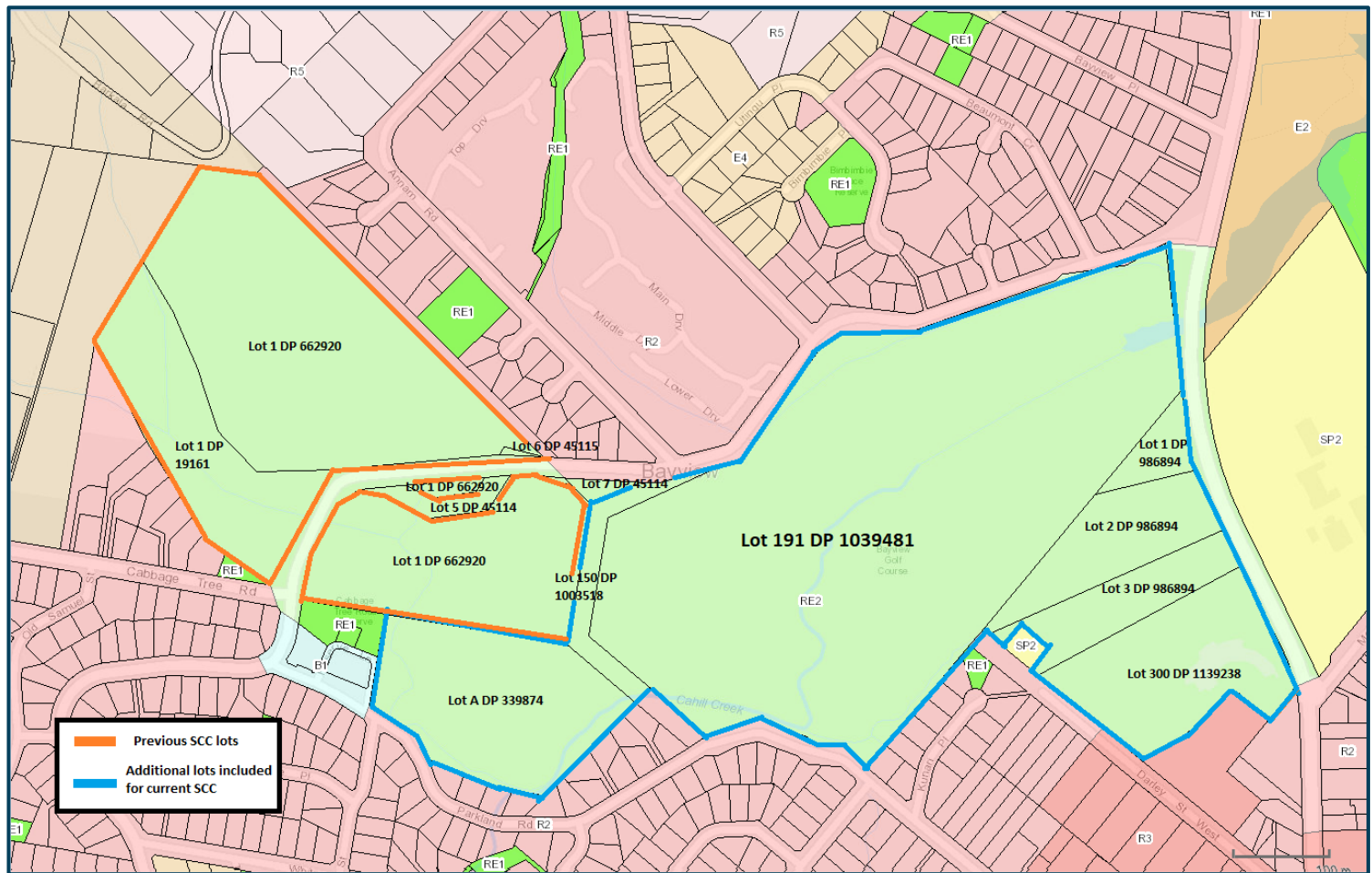
## 5.4 Previously issued site compatibility certificate on the land

*Does the current application include “additional land” within the meaning of Clause 25 (5)(c)?*

As discussed in the background section of this report, in March 2017 the Department issued a SCC over part of the subject site for 95 in-fill self-care housing units and ancillary facilities for the purpose of seniors living. The SCC applied to part of the golf course as shown in **Figure 13**. The SCC was valid for 24 months and expired on 27 March 2019. The new application now includes all the lots that make up the golf course.

**Table 3:** Previous lots applied to certificate issued in 2017 and current lots for current application

Previous certificate issued in 2017 applied to lots	Current certificate (additional lots in blue)
Lot 1 DP 662920	Lot 1 DP 662920
Lot 6 DP 45114	Lot 6 DP 45114
Lot 1 DP 19161	Lot 1 DP 19161
	<a href="#">Lot A DP 339874</a>
	<a href="#">Lot 1 DP 986894</a>
	<a href="#">Lot 2 DP 986894</a>
	<a href="#">Lot 3 DP 986894</a>
	<a href="#">Lot 150 DP 1003518</a>
	<a href="#">Lot 5 DP 45114</a>
	<a href="#">Lot 300 DP 1139238</a>
	<a href="#">Lot 191 DP 1039481</a>



**Figure 13** – Map showing previous SCC lots in orange and additional lots included for the current SCC in blue

*Does the additional land itself adjoin land zoned primarily for urban purpose?*

Yes, a majority of the additional land adjoins land that is zoned R2 Low Density Residential and R3 Medium Density Residential with pockets of RE1 Public Recreation. However east of the site, the lots adjoin land zoned SP2 Infrastructure and E2 Environmental Conservation.

*Does the additional land “independently” adjoin land zoned primarily for urban purpose?*

**Table 4** – The additional lots that independently adjoin land zoned primarily for urban purpose

Additional lots included in current SCC	Adjoin land zoned primarily for urban purpose YES/NO?
Lot A DP 339874	Yes
Lot 1 DP 986894	No (adjoins predominantly SP2 Infrastructure)
Lot 2 DP 986894	No (adjoins predominantly SP2 Infrastructure)
Lot 3 DP 986894	No (adjoins predominantly SP2 Infrastructure)
Lot 150 DP 1003518	Yes
Lot 5 DP 45114	No (adjoins predominantly RE2 Private Recreation)
Lot 300 DP 1139238	Yes
Lot 191 DP 1039481	Yes

## 5.5 Proximity of site to which there is a current site compatibility certificate, or an application has been made but not yet determined

There are no current SCCs or pending applications for SCCs for land near the site. As such, a cumulative impact study has not been provided.

However, under clause 25(2D) of the Seniors Housing SEPP, the panel may require an applicant to provide a cumulative impact study even if it has not been provided with the application if the panel considers that it is necessary for it to determine whether the subject land is suitable for more intensive development.

## 6. Clause 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) of the Seniors SEPP that are received from the general manager of the relevant council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
  - (i) the site of the proposed development is suitable for more intensive development; and
  - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

On 6 September 2019, Northern Beaches Council was forwarded the application.

### 6.1 Comments from Council

Comments from Council dated 26 September 2019 as well as an addendum to their comments dated 3 October 2019 (**Attachment C**) and dated 8 April 2020 (**Attachment C1**) have been summarised below.

**Table 5 – Council comments dated 26 September 2019**

Issue	Council comments
Unclear regarding what constitutes the site for the purposes of the proposed seniors housing development	<p>The documents submitted with the SCC application are unclear regarding what constitutes the site for the purposes of the proposed seniors housing development. In this regard the documents provided, and relied upon by the Applicant make reference to the entire Bayview Golf Course site as the site, whilst the planning report (prepared by FPD Pty Ltd, dated 15 August 2019) submitted with the application, states that the seniors housing component of the development will be limited to a 1.8ha portion of the greater golf course site.</p> <p>Council maintains that the subject application should be refused on the basis there is insufficient information submitted with the application to determine what constitutes the site.</p>



Issue	Council comments
Ecological impacts	<p>Council states that the portion of the greater golf course where the development for seniors housing is proposed forms part of a mapped high priority wildlife corridor under the Pittwater 21 DCP.</p> <p>Council raised concerns that the proposed development will involve the removal of habitat which will diminish the values of the wildlife corridor. Council are concerned that the fauna species that continue to use the site as a corridor will be pushed to the periphery of the golf course, closer to residential development.</p> <p>The proposed seniors living development would result in the removal of important habitat as well as significantly reduce connectivity that is afforded by native vegetation, tree canopy and open space. Such impacts will have a negative impact on 5 endangered ecological communities;</p> <ul style="list-style-type: none"> <li>• 2 threatened species of plants;</li> <li>• 2 threatened species of birds;</li> <li>• 7 threatened species of mammals; and</li> </ul> <p>The potential for the presence of an additional 17 threatened species; and</p> <ul style="list-style-type: none"> <li>• The substantial loss of significant large canopy trees (including some with tree hollows)</li> </ul>
The impact that the proposed development is likely to have on the future uses of the land	<p>Council is of the view that the seniors housing within the central portion of the site will impact upon the broader golf course environment and open space setting. In this regard, the clearing of a significant section of the bushland of the golf course to accommodate Asset Protection Zones and the inability to require replacement plantings in the Asset Protection Zones is inconsistent with the zone objective that aims to protect and enhance the natural environment for recreation purposes.</p>
The services and infrastructure that are or will be available to meet the demands arising from the development	<p>Council states that the traffic report submitted with the application does not address the nature of the traffic generated by serviced self-care housing, including the number, type and frequency of service vehicle movements required to facilitate the requirements of this specific type of seniors housing.</p>
The impact that the proposed development is likely to have on the provision of land for open space or special uses in the vicinity of the development	<p>The site is not zoned special uses; however, the site is an open golf course surrounded by open space and dense tree coverage. The proposed seniors housing development within the central portion of the site will impact upon the broader golf course environment and open space setting.</p>

Issue	Council comments
Bulk, scale, built form and character of the proposed development	<p>The proposal is immediately bordered by Cabbage Tree Road to the east and low-density residential development, which comprises predominantly 1 and 2 storey dwelling houses.</p> <p>Council is of the view that the development of seven apartment buildings, which are 3 storeys in height is incompatible with the character of the area.</p> <p>Council's perspective is that issuing a SCC for the proposed building typology and scale in this particular location presents inconsistencies with the surrounding urban character permitted under the Pittwater LEP and DCP which is 1 – 2 storey detached low density buildings.</p>
Cumulative study provided in connection with the application for the certificate	Council considers that a cumulative impact study should be provided for any SCC application to address the impacts on existing developments, infrastructure capacity and adjoining land uses.

**Table 6 - Council comments dated 3 October 2019**

Issue	Council comments
Permissibility	Council is of the view that the Seniors Housing SEPP does not apply to the land as it is described as 'open space' within the Pittwater LEP 2014. The site is zoned RE2 Private Recreation under the provisions of the Pittwater LEP and the objectives of the zone includes the word "open space". Council states that the expression "open space" is sufficient for the land to be "environmentally sensitive land" within the meaning of SEPP. For that reason, it would be inappropriate to extend the SEPPs operation to open space land by way of the issue of a SCC.

**Table 7 - Council comments dated 8 April 2020**

Issue	Council comments
Permissibility of the development having regard to a recent Land and Environment Court decision	<p>The S J Connelly CPP Pty Ltd and Kate Singleton Pty Ltd t/as Planners North v Northern Regional Planning Panel (No 2) [2019] NSWLEC 199 found that land mapped as "coastal wetlands" under SEPP Coastal Management constitutes "environmentally sensitive land" as described in Schedule 1 of the Seniors Housing SEPP. Therefore, based on relevant case law, Seniors Housing SEPP does not apply to the Bayview Golf Course. Accordingly, a SCC could not be granted in respect to that land.</p> <p>Specifically, the site that is the subject of the SCC includes 12 lots comprising the Bayview Golf Course, as identified in Table 2 of the "Application for the Site Compatibility Statement" report prepared by FPD Pty Ltd. One of the lots, being Lot 191 in DP 1039481 (Lot 1919), contains two areas mapped as "coastal wetlands" under SEPP Coastal Management.</p> <p>Council considers that the inclusion of land mapped as "coastal wetlands" renders the application invalid.</p>

## 6.2 Suitability for more intensive development

The Panel must not issue a certificate unless the Panel is of the opinion that the site of the proposed development is suitable for more intensive development having regard to the criteria listed in clause 25(5)(b) of the SEPP.

The site is 2km from Mona Vale Town Centre offering a range of retail, community and medical services.

The proposal includes 7 buildings, at a maximum of 3 storeys in height, incorporating 85 serviced self-care housing. In addition, ancillary services and facilities for residents such as restaurant, café, gym and swimming pool would be provided.

The Department considers that the site is generally suitable for more intensive development, due to the following:

- The site adjoins an urban area;
- The site is within close proximity to Mona Vale Town Centre, medical services and public transport; and
- The site is being used for the purpose of an existing registered club.

Notwithstanding the above, there are a number of site-specific issues (i.e. ecological, urban design and impact of development on surrounding land uses); which undermine the suitability of the subject site for more intensive development. These matters are discussed further, below.

**The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))**

### Vegetation clearing and biodiversity

A Biodiversity Development Assessment Report (BDAR) prepared by Anne Clements and Associates Pty Ltd, dated 2019 (**Attachment A2**) provides an assessment of the impacts on the proposed seniors housing and golf course upgrade on threatened ecological communities.

#### Scope of the development assessed

The BDAR only considers the biodiversity impacts on specific parts of the golf course, namely the:

- a) proposed building footprint area for the seniors housing development of approximately 1.86 ha" situated within Lot 1 in DP 662920, the boundary of which is said to be "shown on the survey plan and site plan (Figures B-3a and B-3b of the BDAR)"; and
- b) The reconfiguration of the golf course associated with the upgrade shown on the masterplan (Figure B-3c of the BDAR) requiring tree removal is on the low-lying land south of Cabbage Tree Road (Figure B-9a of the BDAR).

There is no clear description in the BDAR of the proposed development and its elements, nor does it have a sufficiently clear definition of the proposed development footprint. As a result, it is unclear whether the area referred to in the BDAR encompasses all elements that would be required for the proposed development, such as access roads and bushfire asset protection zones (APZs).

#### Flora

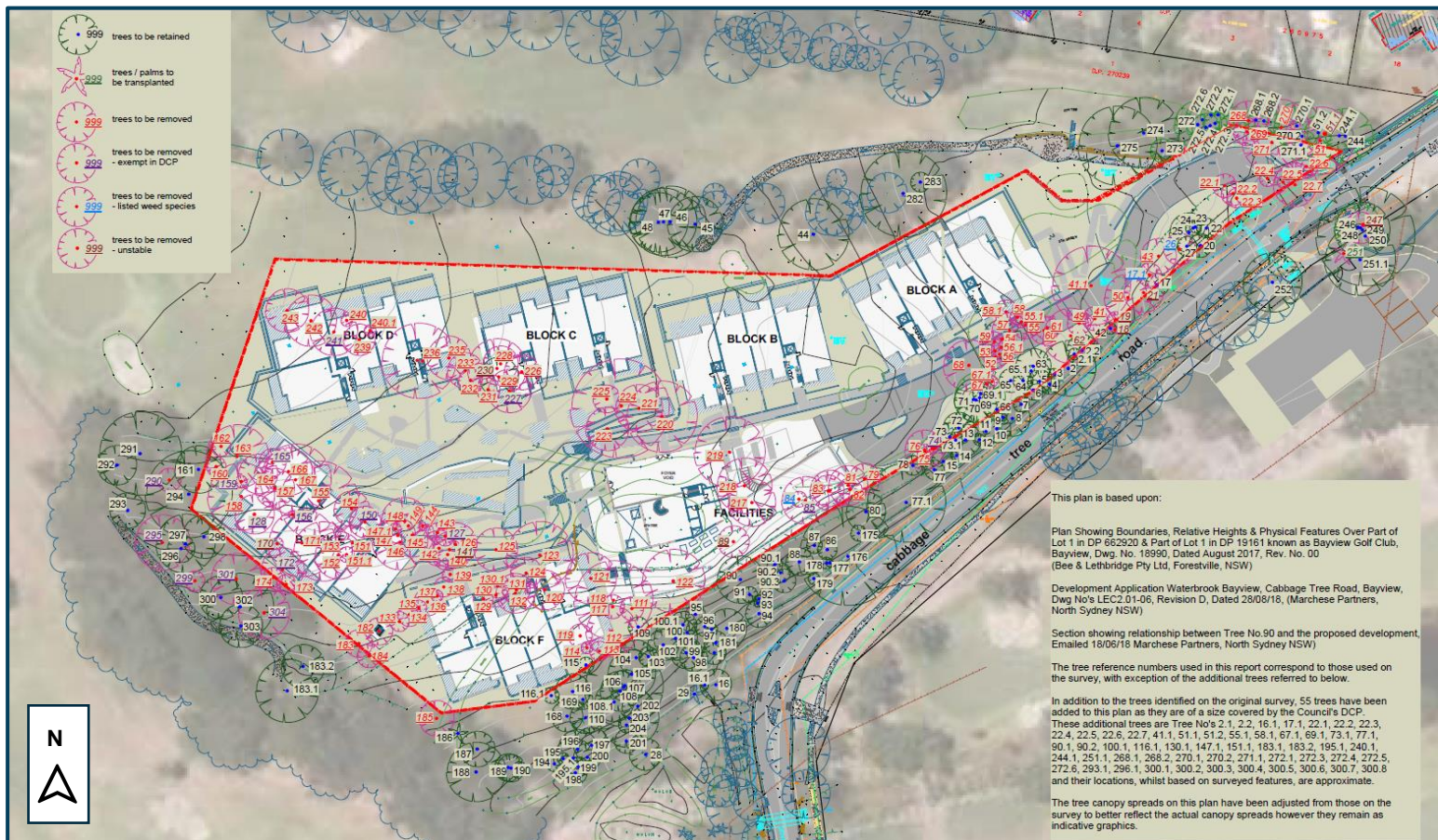
An Arboricultural Impact Assessment (AIA) has been prepared by Footprint Green, dated 2018, (**Attachment A3**) which assessed 290 trees within and adjacent to the proposed building footprint. The assessment identified 147 trees that would be required to be removed as a result of the proposed senior's development, including 3 listed weed species, 17 which do not require approval for removal under the Pittwater DCP, and 10 that are considered unstable (**Figure 14**).

The Biodiversity report recorded data collected through on-site sampling and identified that Northern Hinterland Wet Sclerophyll Forests (PCT 1565), Pittwater and Wagstaffe Spotted Gum Forrest (PCT 1214) and Swamp Sclerophyll Forest on Coastal Floodplains (PCT 1795) were present, which are listed as threatened ecological communities (**Figure 15 and 16**).



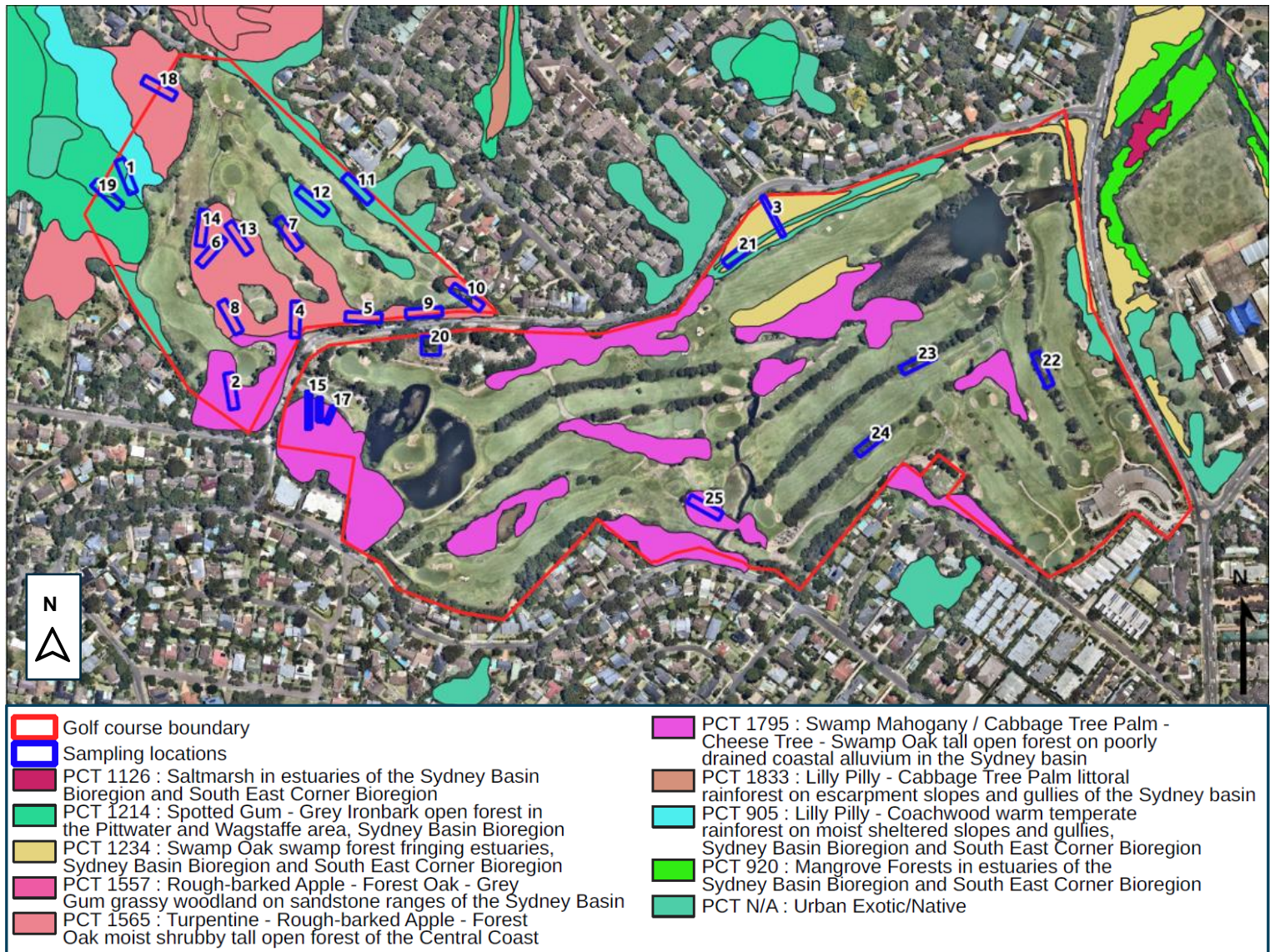
The scope of the arborist report is limited to trees that would be directly impacted by the construction of the seniors housing. The report does not identify trees to be retained or removed in order to meet bushfire asset protection zone requirements. While the proposed 147 trees are considered a significant number, the actual number of trees to be removed may be substantially higher than what is identified.

As a result, the Department is of the view that the arborist report has not sufficiently considered the extent of clearing/modification of the trees on the site that would be required for the Asset Protection Zones (APZs), which are required to protect the proposed development from the threat of bushfire.



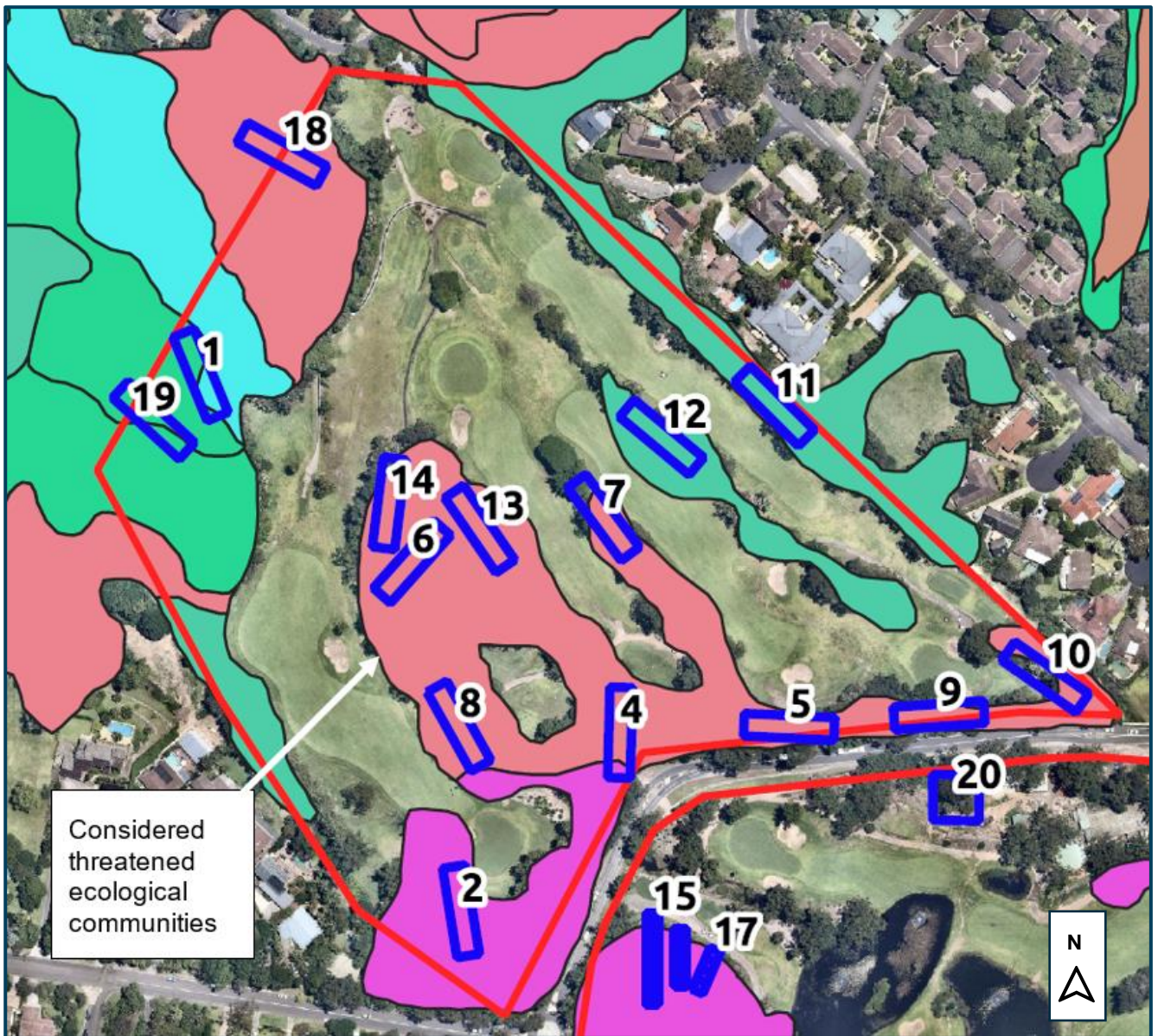
**Figure 14** - proposed development – tree retention and removal (Source: Footprint Green Arboricultural Impact Assessment 2017 refer to drawing no. 1.01)





**Figure 15** - Golf course boundary and sampling locations overlaid on the Native Vegetation of Sydney Metropolitan area (Source: Anne Clements and Associates Biodiversity Assessment Report 2019 figure no. B-6a)



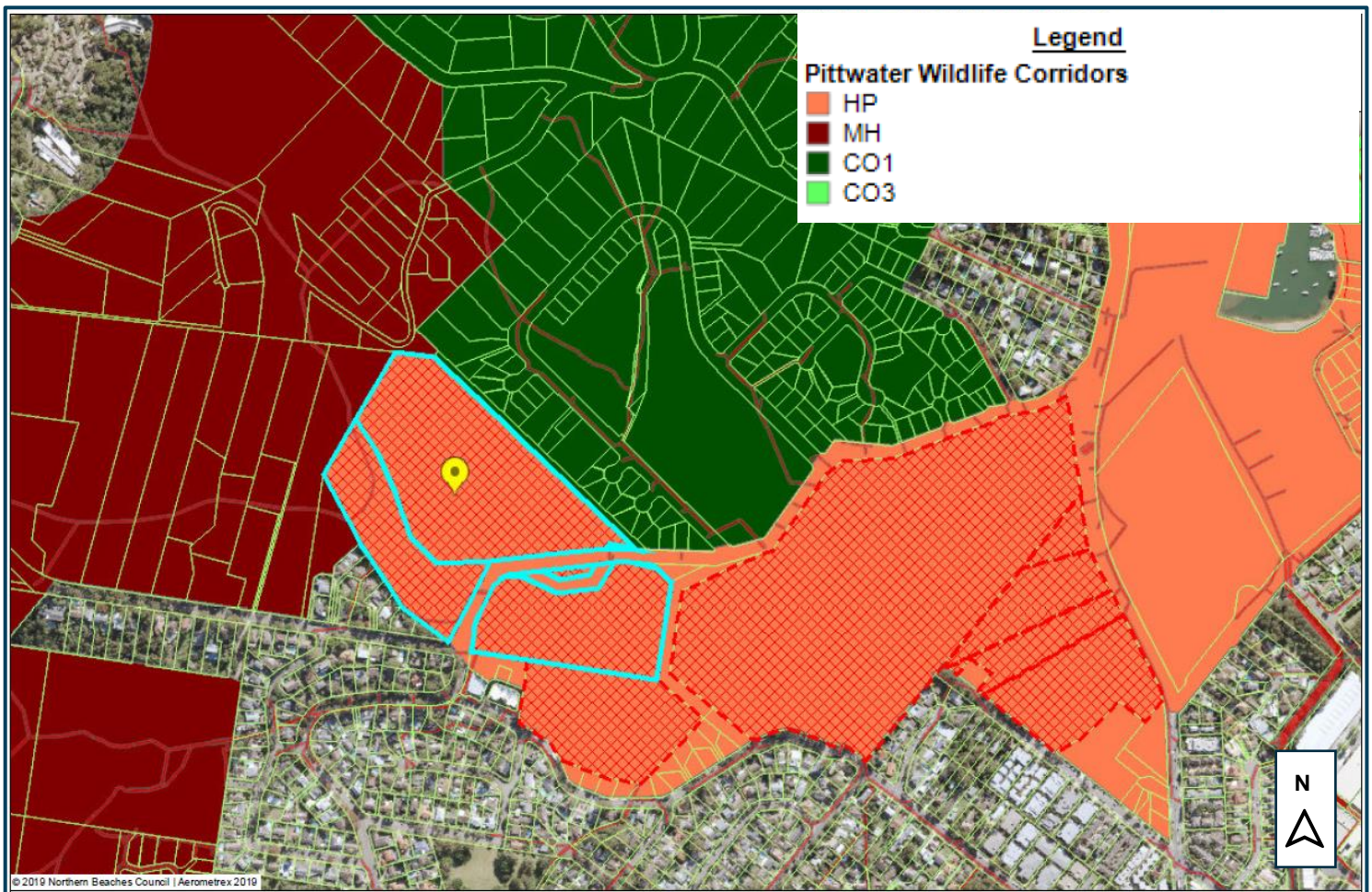


**Figure 16** – The site to which the development relates is considered threatened ecological communities (Source: Anne Clements and Associates Biodiversity Assessment Report 2019 figure no. B-6a)

### Fauna

The subject site has been identified under the Pittwater DCP 21 Wildlife Corridor Map as a 'high priority area' that is essential to fauna movements shown in this mapping and is also adjacent to Major Habitat Areas (**Figure 17**).





**Figure 17** - Pittwater 21 DCP – Wildlife Corridor Map (Source: Northern Beaches Council Pittwater DCP)

This area is mapped to ensure retention and enhancement of wildlife corridors ensuring the connection of flora and fauna habitats.

The Department calculates that, due to the bulk and scale of the proposed development, approximately 50% 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.

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.

#### *Bat species*

The BDAR undertook a fauna survey and identified the presence of nine threatened fauna species on the overall Bayview Golf Course land. These include:

- 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); and
- Two bird species (Powerful Owl, Square-tailed Kite) were recorded.

Overall, seven species detected onsite are listed as 'vulnerable' under the *Biodiversity Conservation Act 2016* with two of these species being also listed under the *Commonwealth Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act).

A microbat survey was undertaken at seven sites within the footprint of the proposed seniors housing development as well as an additional site along the drainage line to the southwest. The microbat survey by Glenn Hoyer (**Attachment A4**) found that there are three bat species breeding within the proposed seniors housing development. Three lactating Southern Myotis were captured at the site together with two microbat species (Gould's Long-eared Bat and the Little Forest Bat). This indicated the presence of maternity roosts either on or in the vicinity of the golf course land.

All these species predominantly roost within tree hollows. Glenn Hoyer notes the arborist report indicated that the proposed seniors housing would remove approximately 2 hectares of potential foraging habitat for this species.

It should be noted that there was no assessment undertaken by the proponent of the proposal's impact on microbat populations at the site.

#### *Powerful Owl*

The BDAR states the Powerful Owl is known to occur in the remnant vegetation to the north-west of the site. The report notes that a pair of Powerful Owls have been known to breed annually on the Northern border of the golf course since 2009, and their nest tree is located 330m from the proposed building footprint area.

The Environment, Energy and Science division has advised that there are three pairs of Powerful Owls that utilise the two parcels (Lot 1 DP 662920 and Lot 1 DP 19161) of the golf course property north of Cabbage Tree Road.

- Pair 1 – nest site approximately 280-330 meters north of the proposed development site. The pair was recorded to have reared 1 or 2 chicks each year from 2009 to 2019;
- Pair 2 – nest site approximately 900-1,100 metres south-west of the proposed development site. This is the pair referred to by Dr Mott affidavit detailed later in the report; and
- Pair 3 – nest site approximately 700 metres north of the proposed development site. This pair was recorded to have reared 2 chicks in 2019.

An affidavit by Dr Beth Mott, project officer of BirdLife Australia's Powerful Owl Project (**Attachment A5**) was an appendix of the BDAR and submitted with the SCC application. It documented Powerful Owls frequenting the area within and directly adjacent to the site of the proposed development at Bayview Golf Course, consistently from 2016 to 2019.

The affidavit details that a pair of Powerful Owls has bred annually on the northern border of the golf course since 2009, with the nest tree located 330m from the proposed site of works. Fledglings and their parent bird move away from the nest tree each year and roost habitually in a riparian patch 250m from the north eastern border of the proposed site of development. The affidavit continues to detail that in January 2019, two parent Powerful Owls and their two fledglings from the 2018 breeding season are still resident at this location. This patch is particularly important for Powerful Owls in the local area, as is the riparian strip bordering the Western side of the golf course.

These sightings are detailed below:

- **September – December 2017** one juvenile Powerful Owl has been documented roosting directly on the northern margin of the golf course 140m from the site of the proposed development;
- **November 2017** an adult Powerful Owl was sighted roosting on the Western margin of the golf course in the riparian strip and two chicks were reported calling in the suburbs 330m south of the proposed site of development. These chicks are presumed to have been perching within the proposed site of development but were not sighted there directly.
- **December 2018** an adult Powerful Owl was again sighted in early December 2018 from the proposed development and in mid-December 2018 one Powerful Owl fledgling and two parent birds were sighted moving across the golf course, presumably to hunt. On this occasion the fledgling was sighted perching in trees in the proposed site of development before it moved further north.



Reviewing the sightings of the Powerful Owl within and directly adjacent to the site of the proposed development at Bayview Golf Course, 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:

- 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.

#### *Hollow bearing trees*

Given the recorded presence of bats and Powerful Owl on the Bayview Golf Course land, all trees north of Cabbage Tree Road were assessed for hollows and potential fauna value. The Biodiversity Assessment identifies the hollow-bearing trees recorded and their size within the proposed building footprint area and within the wider site.

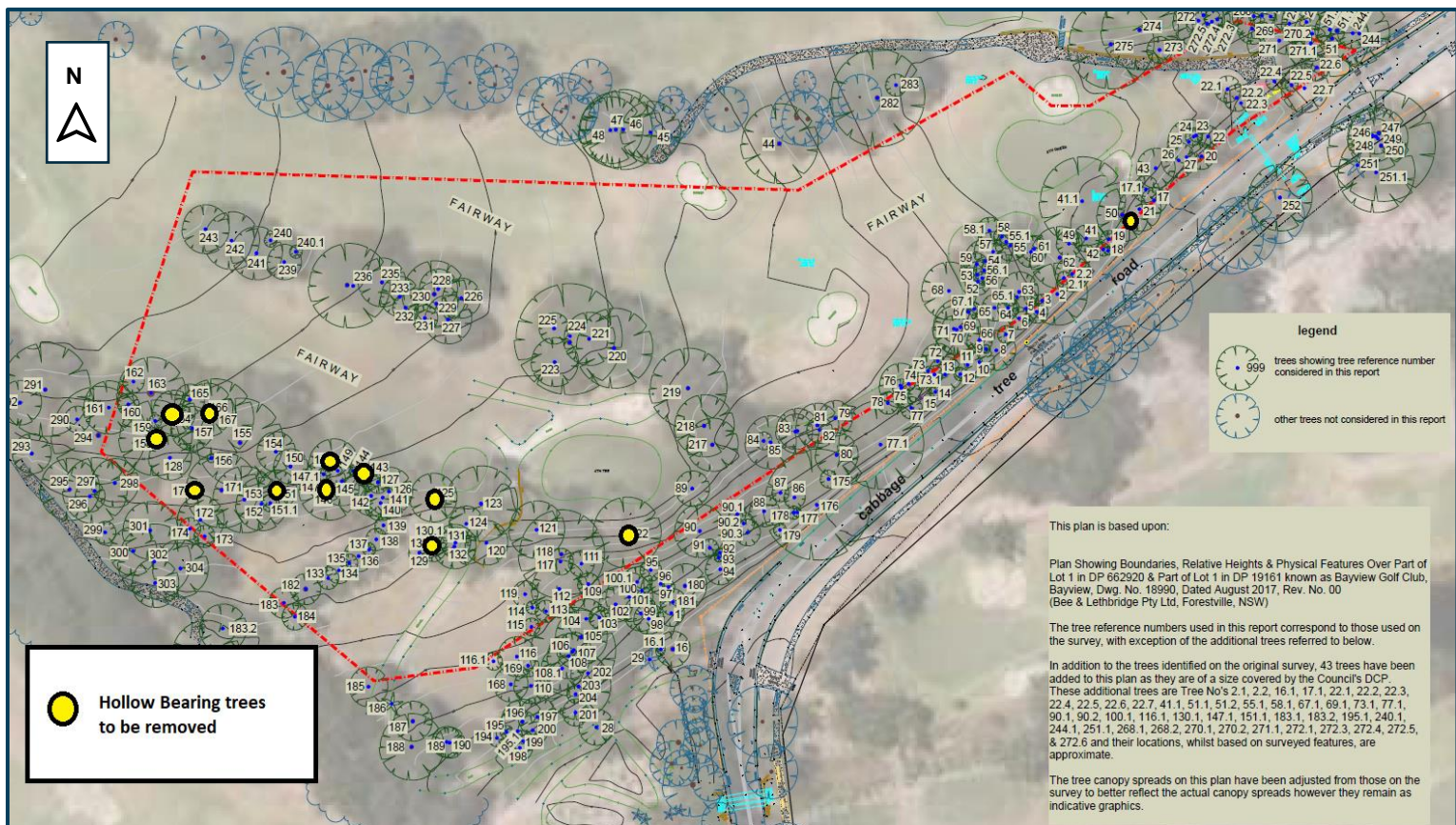
A total of 84 trees had hollows, of which 12 hollow-bearing trees are to be removed on the proposed building footprint area as stated in the arborist report and an unknown number to be removed to establish the APZ.

The table below and figure 18 show the number and location of hollow-bearing trees to be removed within the building footprint.

**Table 8 - Hollow-bearing trees to be removed**

Tree No.	Tree Species	Potential Habitat	Within Development	Proposed to remove/retain (according to Footprint Green 2018)
51	Eucalyptus robusta	Yes	Yes	Remove
112	Angophora floribunda	Yes	Yes	Remove
130.1	Angophora floribunda	Yes	Yes	Remove
125	Angophora floribunda	Yes	Yes	Remove
144	Angophora	Yes	Yes	Remove
146	Eucalyptus Paniculata	No	Yes	Remove
149	Angophora floribunda	Yes	Yes	Remove
151	Angophora floribunda	Yes	Yes	Remove
158	Eucalyptus Umbra	No	Yes	Remove

Tree No.	Tree Species	Potential Habitat	Within Development	Proposed to remove/retain (according to Footprint Green 2018)
164	Angophora floribunda	Yes	Yes	Remove
166	Angophora floribunda	Yes	Yes	Remove
170	Angophora floribunda	Yes	Yes	Remove





and hollow bearing trees used for faunal breeding. The biodiversity report submitted with the application, fails to quantify the full extent of environment impacts given the scope is limited to the building footprint and does not go beyond the development footprint as well as excludes the tree and vegetation removal required for the APZ.

The BDAR does not discuss the avoidance and minimisation of direct and indirect impacts to biodiversity, and as such, the Department considers the information to be insufficient as it does not address the impact of the proposed development on the threatened species and habitat.

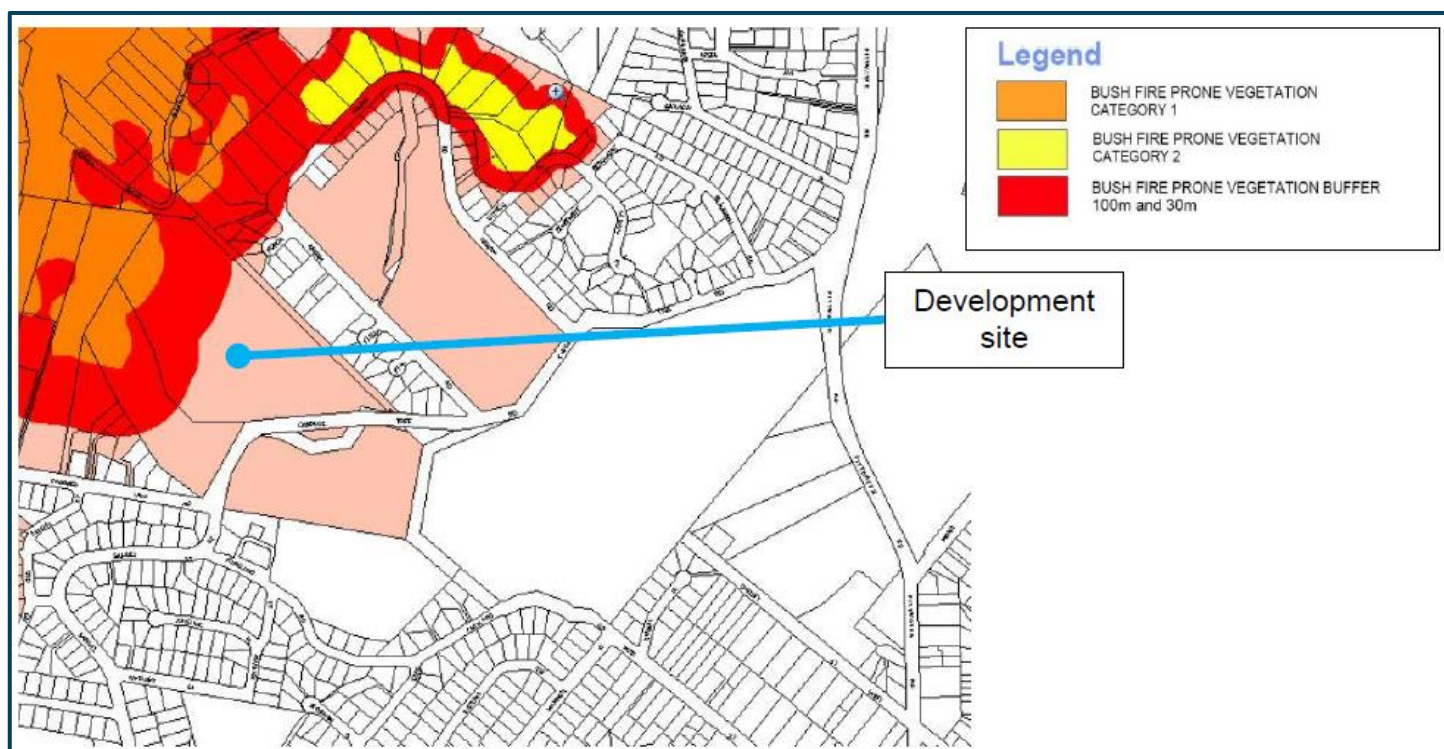
In addition, the Department is of the view that the application did not provide conservation strategies and mitigations measures that could be adopted to avoid significant adverse effects on the threatened species and vegetation identified on the site.

## **Bushfire**

The proposed building footprint is mapped as bushfire prone land under Pittwater LEP 2014. Bushfire prone land is an area of land that can support bushfire or is likely to be subject to bushfire attack, as designated on a bushfire prone land map. The north-western portion of the site is mapped and identified as 'Vegetation Category 1' and 'Vegetation Buffer.'

Vegetation Category 1 is the highest risk category for bushfire. This vegetation category has the highest combustibility and likelihood of forming fully developed fires. Vegetation Category 1 is given a 100m wide buffer (Figure 19). Therefore, Planning for Bushfire Protection – 2006 must apply in this instance. A bushfire assessment report has been prepared by Building Code and Bushfire Hazard Solutions Pty Ltd, dated 2019.

A key consideration of bushfire assessment is the vegetation surrounding the proposed development. The report notes that the vegetation to the northwest is identified as being Coastal Warm Temperature Rainforest along the gully and either side of the water course and Central Coast Escarpment Moist Forest to the northwest on the upslope within the subject site and Pittwater Spotted Gum Forest to the west on the upslope within the subject site and neighbouring private allotments.



**Figure 19** - Land mapped under Pittwater Bushfire prone land map (Source: Building Code and Bushfire Hazard Solutions Report dated 2019 pg. 10)

The Bushfire report prepared by Building Code and Bushfire Hazard Solutions Pty Ltd dated 2019 (**Attachment A6**) details that the vegetation posing a hazard to the proposed development was found to be located to the northwest and west of Bayview Golf Course. The vegetation posing a hazard was found to consist of trees 10-20 metres in height with a >70% canopy foliage cover and an understorey of low trees, shrubs ferns and vines, with a predominance of broad-leaved species although ground cover was minimal. The area was generally covered with rainforest species with a slight edge effect of weeds and forest like structure.

The APZ is required to achieve an acceptable BAL rating for seniors living development.

An Asset Protection Zone (APZ) is a fuel-reduced area surrounding a built asset or structure. The APZ is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame and smoke. The appropriate APZ distance is based on vegetation type, slope and the nature of the development.

An APZ consist of two areas, an Inner Protection Area (IPA) and Outer Protection Area (OPA). The IPA is the area closest to the asset/buildings and creates a fuel managed area which can minimise the impact of direct flame contact and radiant heat on the development and be a defensible space. In contrast, vegetation in an 'Outer Protection Area' which is located between the IPA and the unmanaged vegetation, is managed to a more moderate level.

The Planning for Bushfire Protection – 2006 requires a tree canopy of no more than 15% and should be located greater than 2 metres from any part of the roofline of a dwelling for an IPA. As for an OPA, this should be no more than 30% tree canopy cover and should have understorey managed to treat all shrubs and grasses on an annual basis. Based on the Planning for Bushfire Protection APZ requirements, tree removal within the APZ managed areas will be required to reduce total canopy cover. Details of the exact number of trees to be removed have not been provided to the Department.

The Bushfire assessment identified APZs for the proposed development (**Figure 20**).



**Figure 20** Extent of Bushfire Asset Protection Zone (Source: Building Code and Bushfire Hazard Solutions Report dated 2019 pg. 16)

The geotechnical hazard area is excluded from APZ requirements as it is mapped geotechnical hazard under the Pittwater LEP 2014. As a result, additional APZ areas are required south of the geotechnical area including an area south of Cabbage Tree Road.

Notwithstanding, the Department notes Council's comments on the previous DA which identified inconsistencies between the bushfire protection requirements and proposed retention of trees identified in the arborist report lodged with the DA. Uncertainty still remains on how many additional trees will require removal/thinning to comply with the RFS APZ standards.

The Department finds that the uncertainty of the extent and nature of the impacts to natural vegetation clearing, biodiversity and potentially other matters, mean that the SCC application has not been justified. To understand the full extent of tree removal required for the provision of the APZ, the APZ must be assessed in its entirety and all trees requiring removal to comply with the RFS APZ standards need to be identified.

The Department is of the view that there is a lack of information provided on the degree of vegetation removal required for the development both on the site and APZ. This uncertainty of what vegetation removal is anticipated for the APZ requirements may result in the removal of significant and endangered vegetation and wildlife habitat.



## Flooding

The application is supported by a Flood Impact Assessment prepared by Cardno, dated 15 June 2019 (**Attachment A7**). It includes a review of the existing flood affectation, a flood impact assessment of the proposed seniors housing and a discussion of flood emergency response.

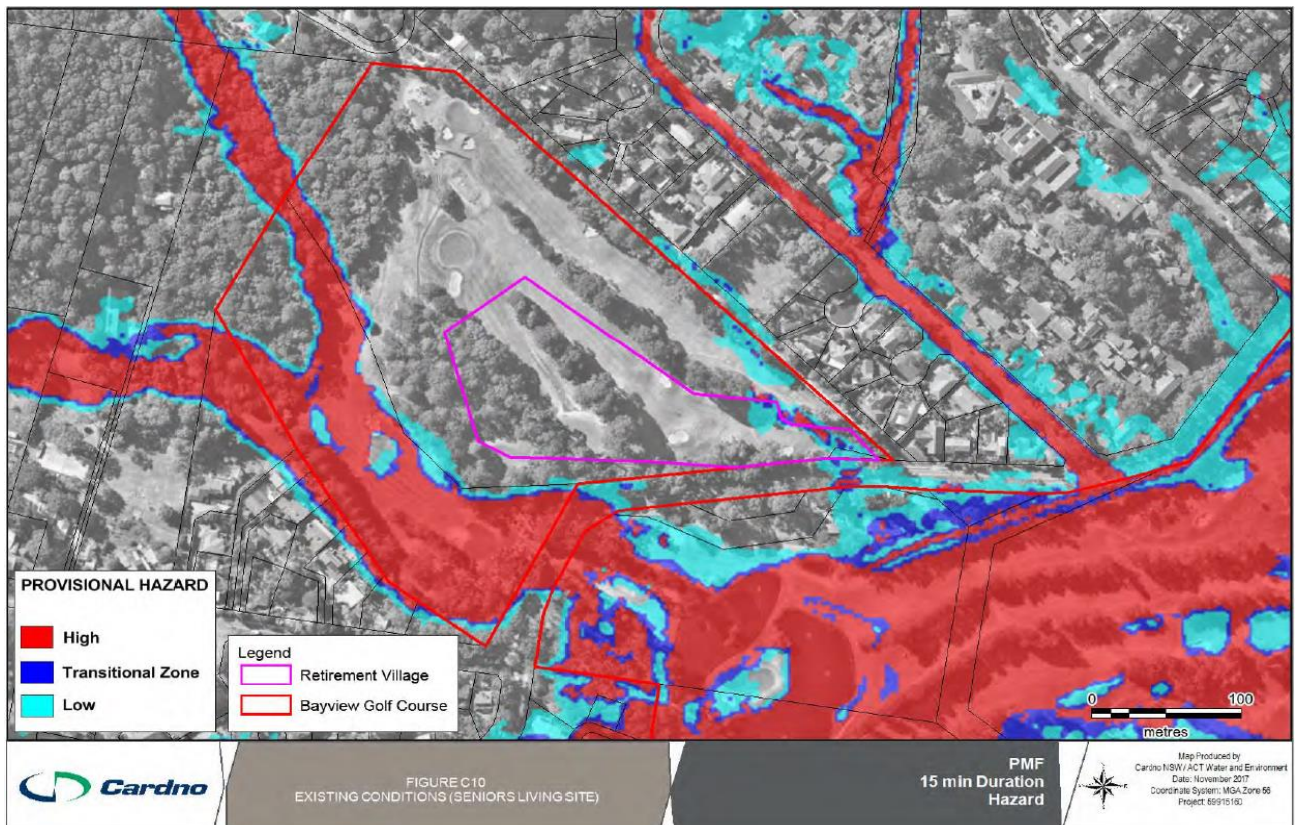
The Flood Assessment report identifies that under existing conditions the majority of the low-lying portions of the Bayview Golf Course are inundated by mainstream flooding in the 1% Annual Exceedance Probability (AEP) event (**Figure 21**).

The report also indicates that in a Probable Maximum Flood (PMF) event the seniors housing site is impacted by minor overland flooding at the southeast corner of the site of the development (**Figure 22**).

The figures below show the 1% AEP, 1% AEP with Climate Change and PMF events under the existing conditions.



**Figure 21** - Existing conditions – Floodway 1% AEP 2hr (Source: Cardno Flood Impact Assessment Report date 2019 appendix C figure C4)



**Figure 22 - Existing Conditions – Hazard PMF 15min** (Source: Cardno Flood Impact Assessment Report dated 2019 appendix C figure C10)

In assessing the flood impact of the proposed seniors housing development, Cardno updated the modelling to include the following proposed measures to be implemented as part of the proposed seniors housing development:

- Constructing a channel at the eastern side of the site to convey the overland flows into circular pipes to convey the majority of the flow to a location upstream of the existing pipe under Cabbage Tree Road;
- Installation of culverts under the driveway in order to control and mitigate runoff from the proposed driveway; and
- Upgrade the existing pipe under Cabbage Tree Road to increase its capacity to lower flood levels and reduce flooding impacts at the southeast end corner of the site on Cabbage Tree Road.

The report concludes that the seniors housing development could be undertaken without having any adverse impacts as it is situated on land free of flooding, therefore the width and depth of flooding on the seniors housing development is not extensive.

The impact of the proposed works on flooding showed that under future conditions:

- There is no flooding on the driveway in a 1% AEP event or PMF;
- There is no flooding on Cabbage Tree Road in the vicinity of the entry in 1% AEP event;
- The proposed channel and pipes would convey the 1% AEP flow through the site such that the floodway is no longer present on the site;
- Cabbage Tree Road is affected in the PMF with velocities not exceeding 1.0 m/s;
- The proposed channel and drainage works would convey the 1% AEP flow through the site such that the flood level decreases by up to 2.0m on the eastern side of the subject site; and
- There are no adverse off-site impacts in the 1% AEP and the PMF events with reduced flood levels on Cabbage Tree Road in the vicinity of the driveway entry.

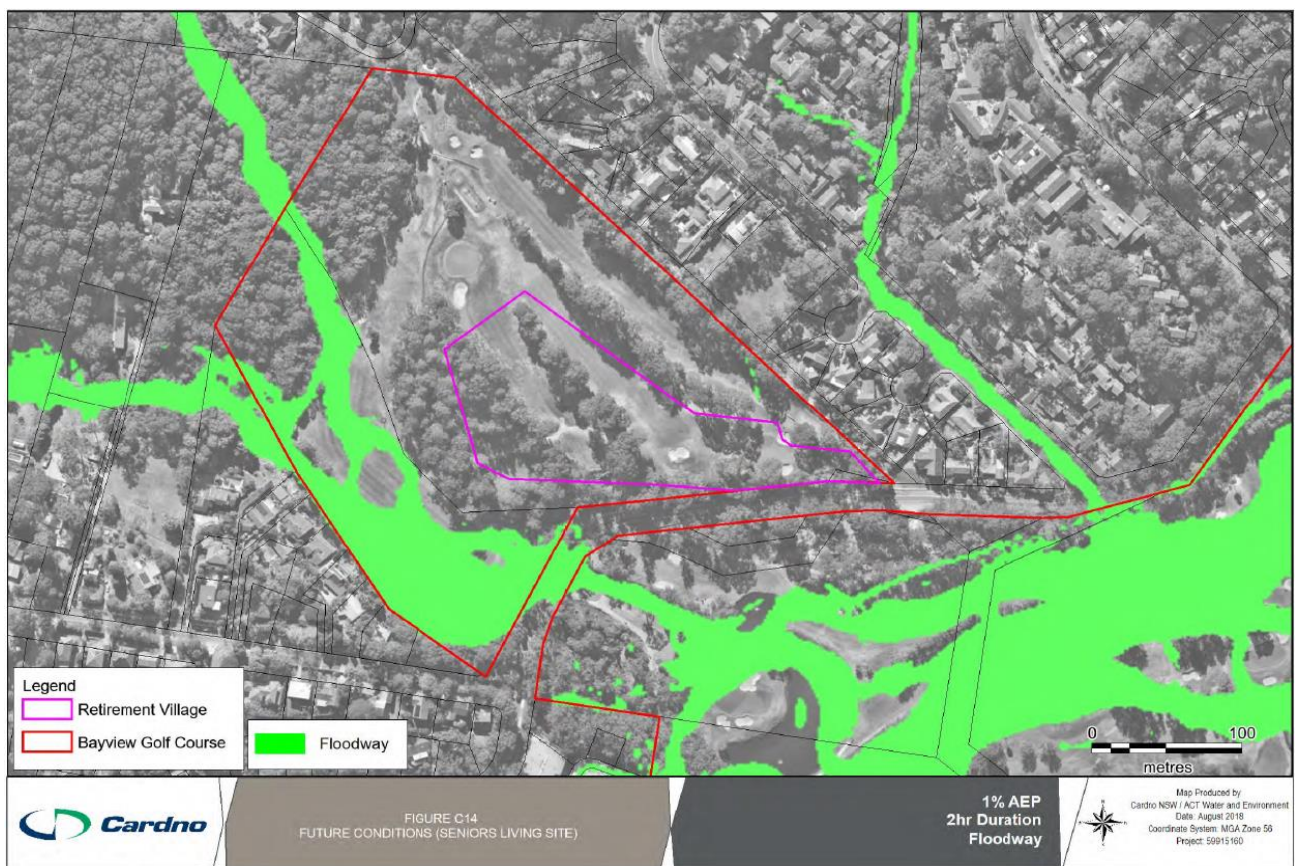


The figures below show the 1% AEP, 1% AEP with Climate Change and PMF events under the future conditions. The report shows that the floodway is clear of the development footprint, however it is unclear whether the large degree of earthworks would change the flood patterns.

The Flood Impact Assessment report also discusses flood emergency response planning, with the two main responses being evacuation or shelter-in-place. The report notes the seniors housing development site is flood free under future conditions so the only source of flood risk to life is isolation due to south of Cabbage Tree Road being inundated.

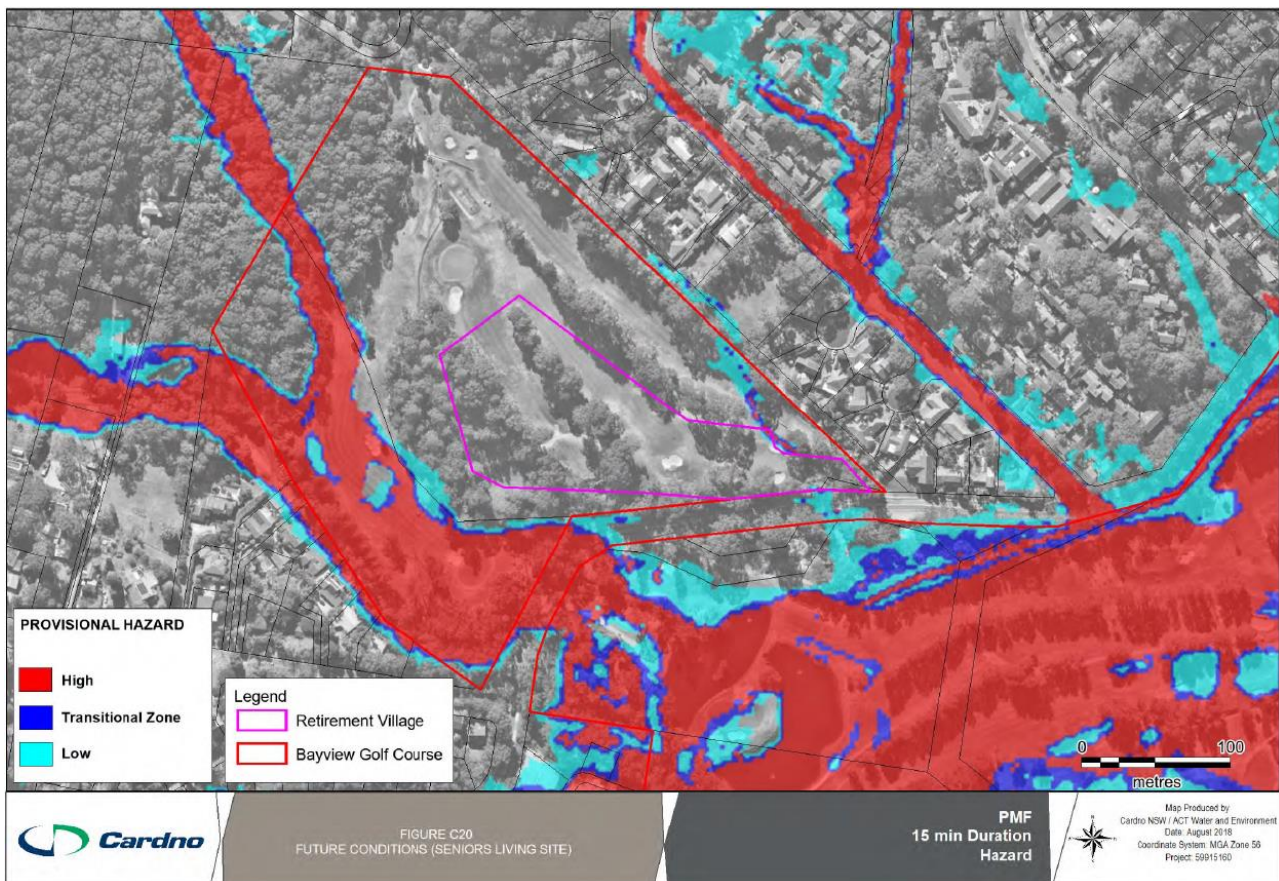
The report also explains that the duration of isolation for the site could be considered to be relatively longer than other parts of the Northern Beaches LGA given the evacuation route for the development (Cabbage Tree Road) lies within the Mona Vale mainstream floodplain. The Flood Impact Assessment concludes that due to the relative low flood risk to life relating to flood free developments it is recommended that no further consideration of emergency response provisions need to be accounted for other than for the site to adopt a strategy of shelter-in-place for its residents.

The Department is of the view that should the Panel approve this application, sufficient information has been provided as part of this SCC assessment to demonstrate that flood management could be appropriately considered and assessed at the development application stage. In addition, consultation with the NSW State Emergency Services (NSW SES) on the proposed emergency response is to be resolved by the consent authority at the development application stage.



**Figure 23** - Future Conditions – Floodway 1% AEP 2hr (Source: Cardno Flood Impact Assessment Report dated 2019 appendix C figure C14)





**Figure 24 - Future Conditions – Hazard PMF 15min** (Source: Cardno Flood Impact Assessment Report 2019 appendix C figure C20)

## Heritage

The site has one heritage item listed in Schedule 5 of the Pittwater LEP known as the concrete elephant statues at Bayview Golf course (item no. 22704840).

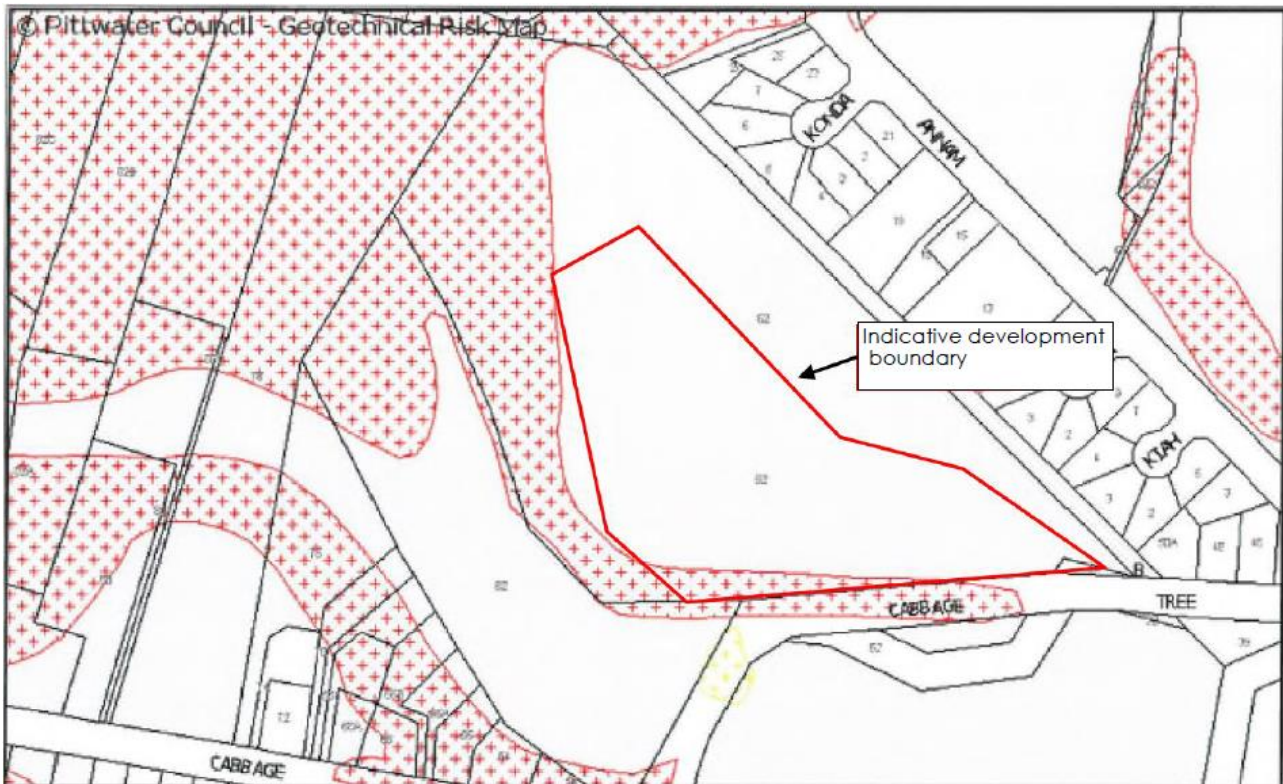
These statues are the only remnants of the early phase of the Bayview Golf Course. The applicant commissioned Paul Davies Pty Ltd Architects Heritage Consultants to provide a heritage statement (**Attachment A8**) addressing possible impacts of the proposed development on the heritage listed item. The report concludes that that proposed seniors housing complex to the north of Cabbage Tree Road would have no impact on the elephant statues and should be protected during construction from any associated upgrade works to the golf course.

Additionally, an Aboriginal Heritage Study was submitted as part of the SCC application (**Attachment A9**). The Aboriginal Heritage Study was prepared by Kayandel Archaeological Services and concluded that no Aboriginal objects have been identified in the subject area and the subject area has low potential to retain intact archaeological deposits due to disturbance and modification associated with land clearance, houses and ancillary structures.

Therefore, the proposed seniors housing development would have negligible impacts on the heritage item as well as surrounding conservation areas. However, should the design and / or extent of the proposed development be altered, further archaeological assessment may be required and considered at the development application stage.

## **Geotechnical hazard and acid sulfate soils**

Under Pittwater LEP 2014 parts of the site are mapped as Geotechnical Hazard (**Figure 25**). A Geotechnical and Acid Sulfate Soils Assessment prepared by Martens Consulting Engineers dated August 2018 (**Attachment A10**) is included in the application.



**Figure 25** - Pittwater LEP Geotechnical Hazard Map showing site location relative to risk classes (Source: Martens Consulting Engineers Report dated 2018 figure 3)

The geotechnical assessment report states there are slopes ranging between 10-15% to the south and 5-10% to the south west as well as slopes greater than 35% near the site's southern boundary on Cabbage Tree Road. The report states that the current site topography and observed defects encountered in the rock profile indicate that the site has likely been impacted by historical large-scale landslides and subsequent smaller movements of consequential steepened slopes. Evidence of recent slope movement was observed; however, the historical large-scale landslide is expected to be largely inactive.

A geotechnical hazard risk assessment for the proposed works has been completed and it is considered that four potential forms of geotechnical hazard are possible at the site (translational slide, rotational slide, soil creep and lateral spread). Of these, shallow and deep slides are most likely to impact the proposed development.

The geotechnical assessment concludes that based on the SLIDE risk calculations and modelling undertaken, the proposed development is considered to constitute an 'acceptable risk to life' and a 'low risk' to property resulting from geotechnical hazards and is considered acceptable provided risks are mitigated by good hill slope engineering practices and the recommendations of this report are implemented. It's not clear whether the recommendations would result in additional impacts to vegetation. This would need to be confirmed at the development application stage.

Pittwater LEP 2014 categorises the site as Class 5 Acid Sulfate (except for the south eastern corner, which is categorised as Class 2 land). An acid sulfate assessment was undertaken to determine the presence of actual or potential acid sulfate soils. The assessment concluded that preparation of an acid sulfate soils management plan is not essential for construction of the proposed buildings but would be required for any construction works within the south eastern portion of the site including the proposed new entry/exit road.



The Department is of the view that should the Panel approve this application, it is essential prior to development that the applicant undertake further investigations to address the recommendations put forward in the geotechnical assessments, these include:

- Detailed design of any shoring/ retaining/ foundation structures;
- Supplementary investigations, including rock coring, particularly in the southern and south western portions of the site, to better understand the potential risks associated with sheared/fractured rock across the site;
- Installation of inclinometers upslope of proposed excavations for the proposed development to measure ground movements and identify deflections in the support structures to manage risks associated with potential ground movements; and
- Review of the final design and construction staging plan by a senior geotechnical engineer to confirm adequate consideration of the geotechnical risks and adoption of the recommendations provided in this report.

### **Contamination**

A detailed site investigation has been prepared by Martens Consulting Engineering dated 2018 (**Attachment A11**) to address potential contamination at the northern portion of the golf course site.

The assessment report states that there is no other potential contamination observed as part of the assessment. The assessment concluded that the area is suitable for the proposed development.

The Department is of the view that should the Panel approve this application, prior to any soil material being removed from the site, a formal waste classification assessment is required in accordance with NSW EPA Waste Classification Guidelines (2014) so this issue can be appropriately addressed at the development application stage.

### **Stormwater**

The SCC application is supported by a stormwater management report prepared by Marchese Partners dated 2019 (**Attachment A12**).

The report highlights that the existing topography north of the golf club generally directs stormwater runoff in a southerly direction towards Cabbage Tree Road. The site has a natural steep slope of being approximately 14%. In addition, the report states that the main overland flow paths adjacent to the proposed development generally tend to direct runoff around or away from the proposed development site as shown in **Figure 26**.

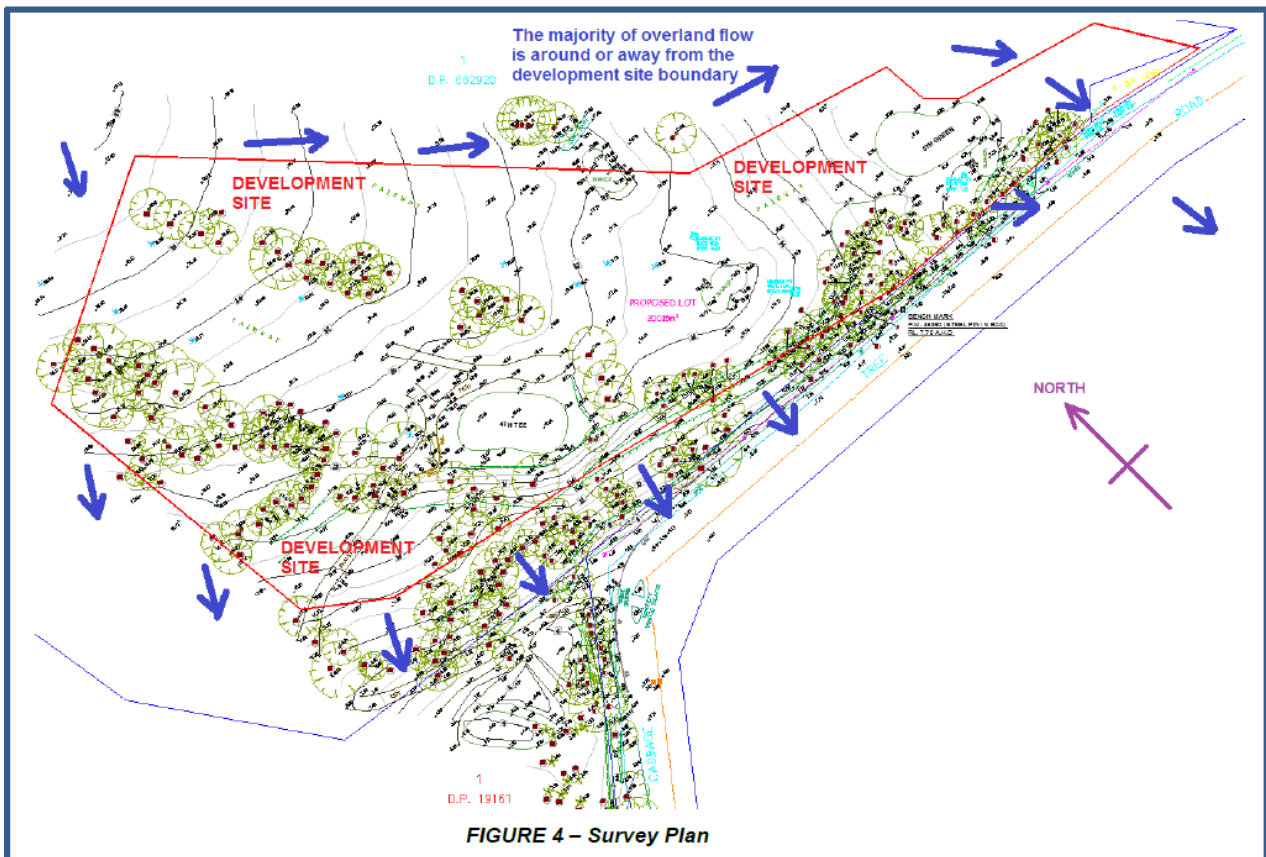
The report states that the north western side (upper left) of the area is associated with some upslope runoff draining towards the site and this stormwater discharge is intended to be collected and directed to a proposed on-site detention tank located in the lower part of the development site. This would ensure that post development flows would not exceed pre-development flows as well as satisfy Council's DCP requirements for on-site storage.

The recent Flood Impact Assessment by Cardno recommended that drainage works are proposed to meet required flow constraints within the proposed area of the seniors housing development.

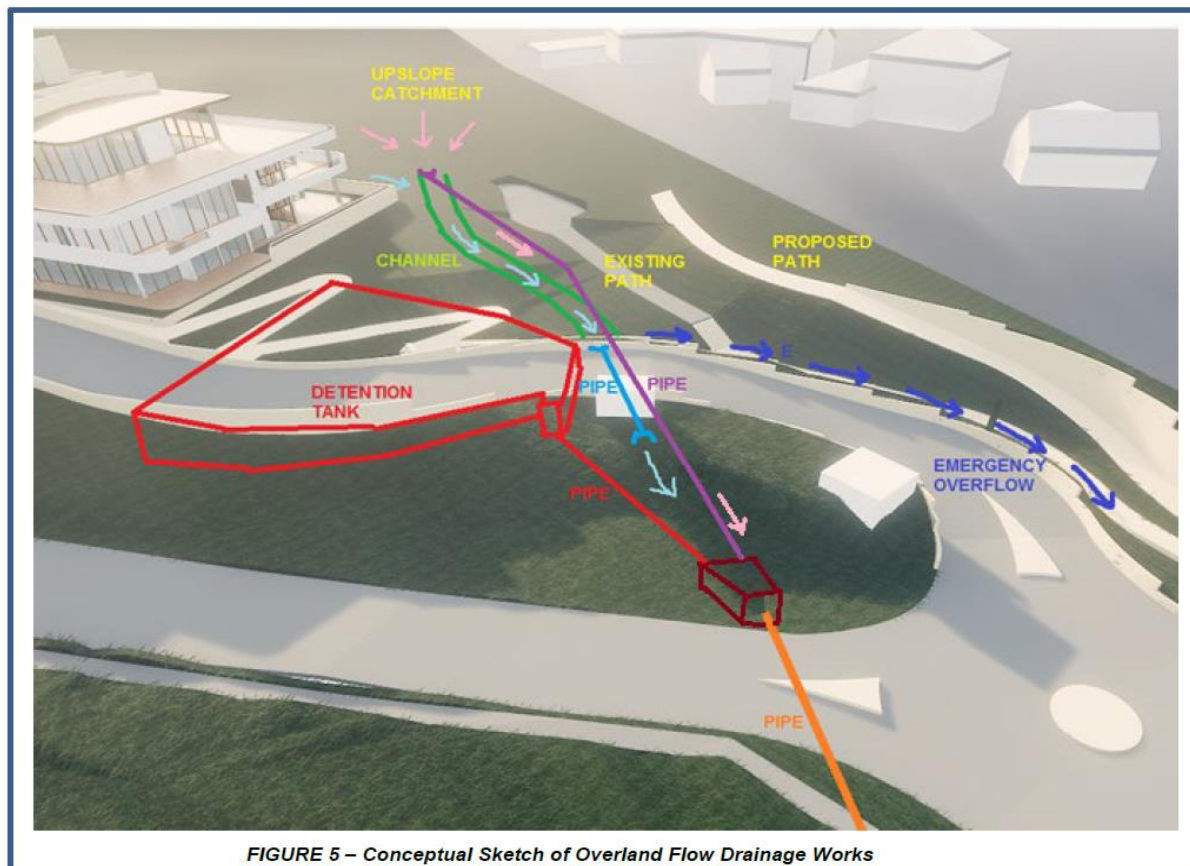
Figure 27 shows that most of the upper catchment flow outside the development area is intended to be collected with the circular pipes depicted in a purple line. The remaining reduced surface flow is to be conveyed through the installation of channels under the driveway shown in a light blue line. A detention tank (shown in red) is proposed to restrict flows discharging from the new buildings.

The report recommended rainwater tanks to comply with BASIX requirements and that all stormwater infrastructure is subject to Council approval. The Department is of the view that should the Panel approve this application, further investigation into stormwater would be required at the detailed design stage as part of a development application for the proposed development to be assessed by Council.





**Figure 26** – Overland flow directing runoff towards Cabbage Tree Road (Source: Marchese Partners Stormwater management report dated 2018 page 8)



**Figure 27** – Conceptual Sketch of Overland Flow Drainage Works (Source: Marchese Partners Stormwater Management Report dated 2018 Page 9)

The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The site is currently zoned RE2 Private Recreation and is occupied by Bayview Golf Course. The objectives of the RE2 Private Recreation zone seek to facilitate a range of recreational uses, whilst protecting and enhancing the natural environment.

It is proposed that the private recreation value of the golf course and club would be maintained. The existing golf course is proposed to be upgraded and reconfigured to retain all 18 holes and accommodate the seniors housing whilst maintaining and enhancing its private recreation function (**Figure 28**). This is to ensure the club's financial resilience and its long-term viability.

An acoustic report carried out by Acoustic Logic (**Attachment A13**) outlines a number of noise attenuation treatments and construction measures that should be applied in the construction of the seniors housing development to minimise impacts to nearby existing development.

Clause 23 of the Seniors Housing SEPP requires the consent authority of a development application to not consent to a development of land that is used for the purposes of a registered club unless the authority is satisfied there is an acceptable level of separation of club and residential uses. Although it is acknowledged the proposed design illustrates the golf course includes the relocation of holes on the north-western side of Cabbage Tree Road, surrounding the proposed seniors housing. The Department is of the view that there is potential to explore and resolve the separation between these two uses at the development application stage.

The Department notes that the proposal requires substantial clearing of trees to establish and maintain the asset protection zones. This is considered as inconsistent with the objective of RE2 private recreation that aim to protect and enhance the natural environment for recreation purposes.



**Figure 28** – Golf Course Redevelopment (Source: Marchese Partners Architectural drawing no. 1.02.4)



**The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))**

### **Infrastructure**

The application is supported by a preliminary servicing strategy prepared by Martins Consulting Engineers (**Attachment A21**) to consider water, sewer and power servicing to support the development. The report concludes that the infrastructure and services are close by and have adequate capacity to service the subject site pending final approval from the relevant authorities and service providers. This matter would be addressed at the development application stage.

### **Location and access to facilities**

The subject site is located approximately 2km to Mona Vale and Narrabeen Shopping centre, which provides a range of retail, community and medical services including supermarkets and the Mona Vale Library.

The application is supported by a site accessibility report prepared by Accessibility Solutions, dated June 2019. The report states that the topography of Annam Road at the bus stop near the intersection of Kiah Close provides a 1:15 maximum slope to Cabbage Tree Road. As result this complies with the development standard under Clause 26 of the Seniors Housing SEPP.

The development proposes to construct a footpath along the southern side of Annam Road to the bus shelter and kerb ramps on each side of the road will enable appropriate pedestrian access which is suitable for an electric scooter or wheelchair to access the bus stop.

### **Access to Public Transport**

The site relies upon access to a public transport service to access the required range of shops and services. The available bus service is located on the eastern side of Annam Road and is approximately 220m walking distance from the proposed entrance of the seniors housing development.

The bus route 155 operates to and from this stop to Narrabeen via Mona Vale town centre and Mona Vale Hospital as well as the shopping centre on Waratah Street near Akuna Lane intersection and the Park Street stop adjacent to Coles/Pittwater Place shopping complex. The services operate approximately every hour between 6am and 8pm on weekdays and every hour between 8:30am and 8pm on weekends.

### **Additional services**

The applicant has proposed to provide the following services on site:

- Home delivered meals and catered restaurant meals 7 days a week;
- Personal care and home nursing as well as wellness programs and access to pharmacy items 7 days a week; and
- Assistance with housework through on-site housekeeping services 6 days a week.

The provision of these additional services complies with the requirements in the Seniors Housing SEPP to carry out development for the purpose of serviced self-care housing.

### **Traffic**

A Traffic and Parking Assessment report prepared by Transport and Traffic Associated dated April 2019 (**Attachment A15**) considered the existing road and traffic conditions, availability of public transport, parking provision, traffic generation and impacts.

The concept design provides a total of 161 basement car parking spaces for residents and visitors. This satisfies the SEPP requirements based on the number of bedrooms provided. The final parking provision for the development would be confirmed at the development application stage.

The traffic report however notes the traffic conditions in the area are generally quite satisfactory and access movements in particular are assisted by the roundabout at the Mona Vale Road, Samuel Street and Ponderosa Parade intersection. In addition, the report notes the proposed land use structure plan for Ingleside would have potential impacts on Cabbage Tree Road and that there would be some increased traffic movements on Cabbage Tree Road in the future.

The report uses the RMS Guide to Traffic Generating Developments such as the peak traffic generation criteria for Medium Density Residential Development to assess the traffic generation of the proposed development. The traffic assessment assumed a traffic generation rate of 0.2 trips per hour during the AM and PM peak periods, which is less than would typically be applied for a moderately sized residential apartment.

The assessment concludes that the proposed development indicates there would be no traffic, safety or environmental related implications and there would be suitable and appropriate parking provision for the nature of the proposed development as well as suitable vehicle access, internal circulation and servicing arrangements.

Council raised concerns that the traffic report submitted with the application does not address the nature of the traffic generated by serviced self-care housing, including the number, type and frequency of service vehicle movements required to facilitate the requirements of this specific type of seniors housing. The Department considers that these matters could be further explored and addressed appropriately at the development application stage.

The traffic assessment notes the potential urban development in the Ingleside Precinct and the need for road network upgrades to cater the increased traffic movements. The report refers to the traffic and transport study that has been prepared to assess the infrastructure needs and implications of the envisaged development under the structure plan. The study also indicates the intersections upgrades attributable to the Ingleside development.

**In the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))**

Council is of the view that the seniors housing within the central portion of the site would impact upon the broader golf course and open space setting. The clearing of a significant section of the golf course to accommodate the Asset Protection Zones and the inability to require replacement plantings in the Asset Protection Zones is inconsistent with the zone objective that aims to protect and enhance the natural environment for recreation purposes.

The site is zoned RE2 Private Recreation and is not available for use as ‘public open space’ and will continue to be utilised for club purposes.

**Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))**

**Bulk, scale, built form and character of the proposed development**

The local character of the Mona Vale locality is low-density with predominantly single and two storey dwelling houses. The Desired Character of the Mona Vale locality, as described under the Pittwater 21 DCP states that *the “Existing residential areas [in the locality] will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape”* The area is not envisaged to undergo a transition from low density residential to medium density residential in the future.

The key built form features of the area surrounding the site consist of single dwellings of between one and two storeys in height with pitched roof forms. The built features of the area are also supported by a local road network with key natural features such as open space and dense tree coverage.



## Previous development

The subsequent DA lodged for the previous SCC application proposed the construction of 7 buildings at three and four storeys in the form and character of residential flat buildings. Council is of the view that the proposed built form and scale is inappropriate for the site and locality and is not regarded as a sensitive response to the built form and scale of existing development.

The previous DA application was subject to a review by the Sydney North Planning Panel. The Panel decision dated 8 August 2018 records that the Panel's reasons for refusal are:

- 1) The permissibility of the proposal under the SCC and SEPP HPSD is not fully resolved
- 2) The requirements imposed on determination of the proposal under the SCC are not appropriately resolved.
- 3) The typology, scale, bulk and height of the proposal is not compatible with the existing and future character of the area and does not contribute to the quality and identity of the area as required under clause 33(a) of Seniors Housing SEPP. This fails the principles of context and neighbourhood character, built form, scale, density, landscaping, amenity and aesthetics of SEPP 65.
- 4) The impacts on biodiversity are substantial and adverse. The proposal fails to comply with the requirements of the Pittwater LEP 2014 and Pittwater DCP in this regard.
- 5) The visual impact of the proposed buildings when viewed from neighbouring residential development and within the Golf Course is incongruous to the existing low scale residential and recreational character of the area.
- 6) The building height does not comply with the Pittwater LEP 2014 and Clause 4.6 variation is not justified or well founded.

## Proposed development

The proposed indicative design for this application now comprises 3 storey seniors living buildings across the whole development (**Figures 29, 30 and 31**). The site's levels are proposed to be recontoured and stepped through the approach of a cut and fill strategy.

The development is required to comply with SEPP 65 and the associated Apartment Design Guide (ADG). Clause 50(1A) of the EP&A Regulation 2000 requires the submission of a Design Verification Statement. This documentation has been submitted as part of the application (**Attachment A16**).

Clause 28 of the SEPP requires that in determining a development application for consent to carry out development to which SEPP 65 applies, a consent authority is to take into consideration the design quality of the development when evaluated in accordance with the design quality principles.

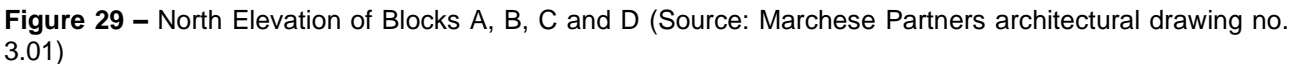
**Table 9** - Below is an assessment of the development against the design quality principles:

Design Quality Principles	Comment
<p><b>Principle 1: Context and Neighbourhood character</b></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change</i></p>	<p>The Department is of the view that the proposed construction of 7 x three storey residential flat buildings is not considered to be consistent with the low density and traditional character of the area.</p>

Design Quality Principles	Comment
<p><b>Principle 2: Built form and scale</b></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The built form and scale of the surrounding retirement villages is predominantly single and two-storey articulated buildings with roof forms that are consistent with the pattern of low-density residential development surrounding the area.</p> <p>The proposed development presents as 3 storeys in height across the whole site. The proposed development is over-excavated in order to reduce the overall numerical height.</p> <p>The built form is considered inappropriate for the site and inconsistent with the desired future character of the precinct.</p>
<p><b>Principle 3 Density</b></p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population.</i></p> <p><i>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposal does not satisfy the height requirements. In addition, there is a lack of separation between the buildings which would result in insufficient landscaped areas, the proposed density would not be appropriate for the site or the precinct and is unacceptable.</p>
<p><b>Principle 4 Sustainability</b></p> <p><i>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>A BASIX certificate for the residential component of the development would need to be submitted at the development application stage.</p>



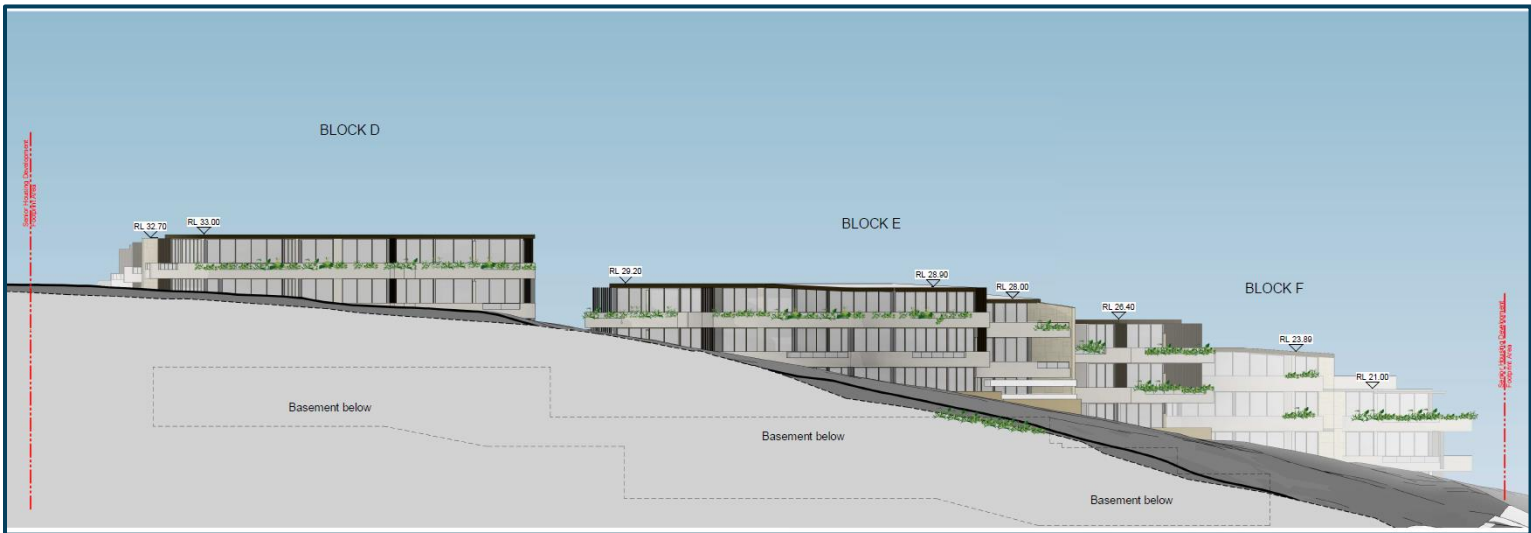
Design Quality Principles	Comment
<p><b>Principle 5 Landscape</b></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.</i></p>	<p>The design of the basement levels and location of the seniors housing allows for minimal landscape open space to be provided on the ground level within the boundaries of the site. This will not allow for mature landscaping to be provided which is appropriate with the bulk and scale of the proposed built form.</p> <p>Instead, the development is relying on the Golf Course landscaping that is outside the development site boundaries to screen the development.</p> <p>The proposed development would also result in a significant impact upon the site including its natural features, vegetation and topography and the removal of a significant number of trees to accommodate the development.</p>
<p><b>Principle 6 Amenity</b></p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, 38 natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i></p>	<p>The proposed development provides inadequate building separation and therefore insufficient landscaping could be achieved. As a result the amenity of the future development will be compromised.</p>
<p><b>Principle 7 Safety</b></p> <p><i>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose</i></p>	<p>A Crime Risk Assessment would need to be submitted at the development application stage.</p>







**Figure 30 – South Elevation of Blocks E, F, facilities, A** (Source: Marchese Partners architectural drawing no. 3.02)



**Figure 31 – West Elevation of Block D, E and F** (Source: Marchese Partners architectural drawing no. 3.03)

### **Visual impact**

The application is supported by a Visual Impact Assessment prepared by Richard Lamb and Associates (**Attachment A17**) as well as a visual impact photomontage by Virtual Ideas dated September 2018 (**Attachment A18**). These reports provide a comparison between photographs of the existing site conditions alongside photomontages of the proposed development from key points within and external to the site.

The Department undertook a site visit on the 16 October 2019 and noted that the visual impact of the proposed development on the residents living in the dwellings located south west and north east are of concern.

The report states that the subject site and proposed development has a small visual catchment, from which there are only a limited number of direct views to any part of the built form. In addition, the report details that the visual impacts from the existing dwellings located to the south west and north east are minor.

The view comparison from the fire trail at the rear of the closest dwellings to the north east of the site is shown below in **Figures 32,33,34,35,36** and **37**.

Richard Lamb's report concludes any residual visual impacts would be successfully mitigated by the significant amount of existing vegetation and additional planting that is proposed around the built form and other parts of the Golf Course.



However, the Department is of the view that if this development was to proceed to DA stage, emphasis would be needed to ensure that all the vegetation shown within the visual impact assessment will remain and will not be removed as part of the APZ.



**Figure 32** – current view of the properties along Annam Road backing onto the fire trail looking east of the site (Source: Visual Ideas Photomontage page 20)





**Figure 33** - proposed view of the properties along Annam Road backing onto the fire trail looking at the eastern elevation (Source: Visual Ideas Photomontage page 22)



**Figure 34** – current view of the properties along Annam Road backing onto the fire trail looking west of the site (Source: Visual Ideas Photomontage page 28)

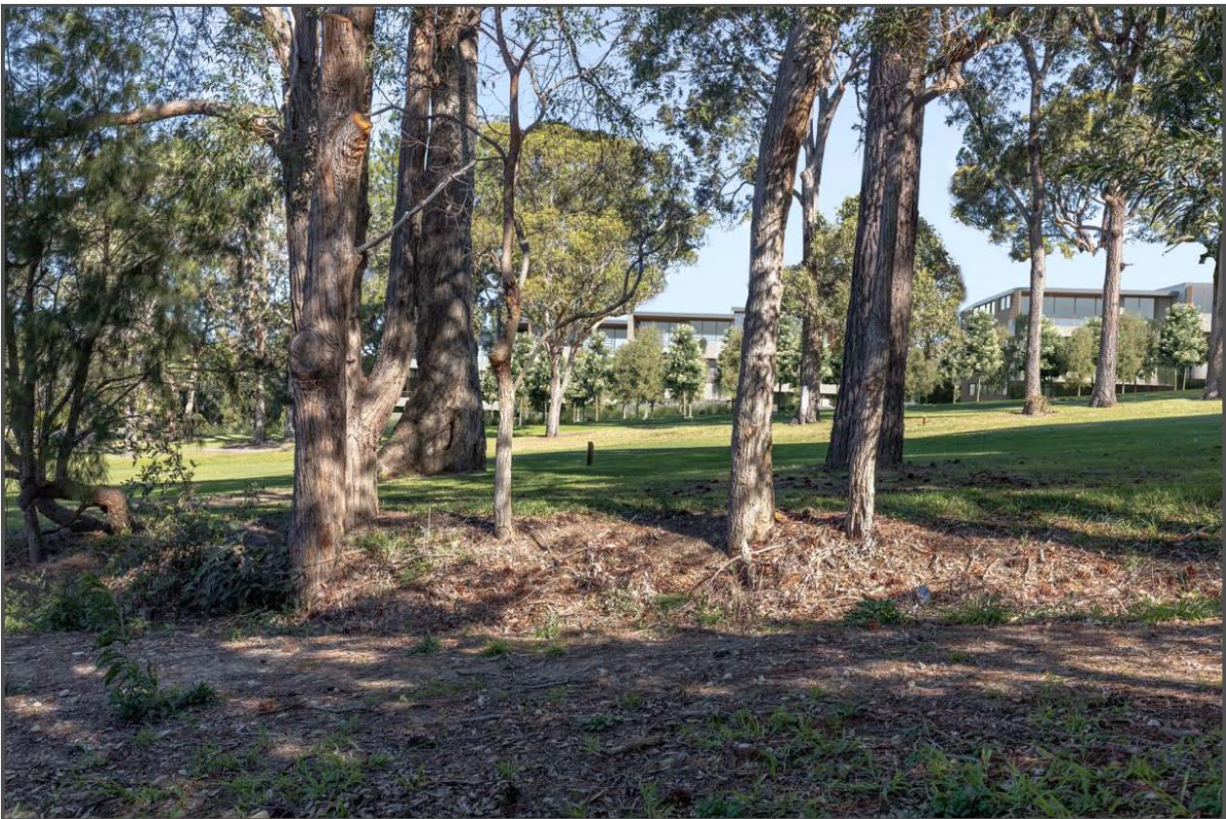




**Figure 35** – proposed view of the properties along Annam Road backing onto the fire trail looking at the western elevation (Source: Visual Ideas Photomontage page 30)



**Figure 36** – current view of the properties along Annam Road backing onto the fire trail looking at the northern portion of the site (Source: Visual Ideas Photomontage page 32)



**Figure 37** – proposed view of the properties along Annam Road backing onto the fire trail looking at the northern elevation of the site (Source: Visual Ideas Photomontage page 34)



**If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))**

Not applicable as the Native Vegetation Act 2003 was repealed on 25 August 2017.

**The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))**

As mentioned previously, a cumulative impact study is not required for this application. However, the panel may require the applicant to provide a cumulative impact study even if it has not been provided with the application if the panel considers it is necessary to determine whether the land concerned is suitable for more intensive development.

## 7. Conclusion

It is noted that while the Department issued the previous SCC, the conclusions in this report are based on a merit assessment of the current SCC application and the site context as it exists today.

It is acknowledged that the site adjoins an existing residential area and is generally within close proximity to a local centre, medical services, public transport and is an existing registered club which broadly addresses the criteria for assessing whether the Seniors Housing SEPP applies to the site.

Based on the detailed assessment by the Department, the Department is of the view the proposal is not suitable for the site and it is recommended that the site compatibility not be issued on the basis that:

- The development will require the removal of highly significant habitat areas for existing threatened and endangered fauna and there is no evidence that this impact is acceptable or adequately mitigated by the proposal;
- the APZ requirements add to further impact upon significant and endangered vegetation and wildlife habitat and this impact is not offset or mitigated; and
- the bulk and scale of the proposed development is out of the character with surrounding urban development and the local character of Mona Vale and does not comply with the low-density expectations of the SEPP for two storey development;

If the Panel concludes that the issuing of a SCC is appropriate in this instance despite the issues outlined above, the Department considers 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.

## 8. RECOMMENDATION

It is recommended that the Sydney North Planning Panel:

- **Considers** the findings and recommendations of this report;
- **Notes** the comments of Northern Beaches Council on the SCC application under clause 25(5)(b) of the Seniors Housing SEPP (**Attachment C and C1**);
- **Determines** that the application for a site compatibility certificate under clause 25(4) be refused for the following reasons:
  1. The proposal has significant environmental implications for existing flora and fauna (including threatened and endangered species) and the adjacent wildlife corridor;
  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;
  3. The proposed height, scale and built form is out of character with the surrounding urban development and local character of Mona Vale.
- **Notes** that should the Panel conclude that there is sufficient merit to issue a SCC, the Department considers 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.

Recommended by:

**Elvie Magallanes**

**Senior Planning Officer,**

**North District**

Endorsed by:



**Luke Downend**

**Acting Director, North District**



10 August 2020

**Malcolm McDonald**

**Executive Director,**

**Eastern Harbour City**

## ATTACHMENTS

### Attachment A – Site Compatibility Certificate Application Report

- Attachment A1 - Legal advice from Mills Oakley dated 12 August 2019
- Attachment A2 - Biodiversity Development Assessment Report (BDAR)
- Attachment A3 - Arboricultural Impact Assessment
- Attachment A4 - Glen Hoyer (Fly by Night Bat Surveys Pty Ltd) comments on microbats dated 16 November 2018
- Attachment A5 - Affidavit of Dr Beth Moth on the Powerful Owl dated 10 January 2019
- Attachment A6 - Bushfire Assessment Report
- Attachment A7 - Flooding Assessment Report
  - Attachment A7a – Appendix A
  - Attachment A7b – Appendix B
  - Attachment A7c – Appendix C
  - Attachment A7d – Appendix D1
  - Attachment A7e – Appendix D2
  - Attachment A7f – Appendix D3
  - Attachment A7g – Appendix E
  - Attachment A7h – Appendix F
- Attachment A8 – Paul Davies Architects Heritage Consultants report 2019
- Attachment A9 - Aboriginal heritage due diligence Report
- Attachment A10 - Geotechnical and acid sulfate soils assessment
- Attachment A11 - Detailed site investigation
- Attachment A12 - Stormwater Management Report
- Attachment A13 - Acoustics Report
- Attachment A14 - Site Accessibility Report
- Attachment A15 - Traffic and Parking Assessment Report
- Attachment A16 - SEPP 65 Design verification statement
- Attachment A17 - Visual Impact Assessment Report
- Attachment A18 - Visual impact photomontage report
- Attachment A19 – Landscape drawings
- Attachment A20 – Marchese Partners Architectural drawings
- Attachment A21 – Preliminary Servicing Strategy

### Attachment B – Locality Map

### Attachment C – Council comments dated 26 September 2019 and October 2019

### Attachment C1 – Council comments dated 8 April 2020

### Attachment D – Legal Advice from Mills Oakley dated 19 May 2020