

8 January 2019

Amanda Harvey
Director, Sydney Region East
Department of Planning and Environment
GPO Box 39,
Sydney NSW 2001

Dear Amanda,

**Application for the Amendment of the Site Compatibility Certificate (SCC)
Bayview Golf Club, Bayview**

This letter has been prepared on behalf of the applicant Waterbrook Bayview Pty Ltd in response to the letter dated 21 December 2018 (IRF18/7172) issued by the Department of Planning and Environment in relation to the Site Compatibility Certificate (SCC) Amendment Application referenced above.

We note that the Department's letter rightly points out that:

- the current SCC dated 27 March 2017 describes the site with reference to three allotments of land (Lot 1 DP 662920, Lot 6 DP 45114 and Lot 1 DP 19161); and
- The SCC amendment application as lodged seeks to expand the description of the site to encompass the entire 37.55ha Bayview Golf Club lands (with reference to 12 allotments).

In response to the Department's letter, the applicant no longer presses the part of the application for an amended SCC which seeks to include additional land over and above that referenced in the current SCC. All other parts of the application are pressed. The applicant accepts that the application for an amended SCC relates to the following land only, as per the current certificate:

- Lot 1 DP 662920
- Lot 6 DP 45114; and
- Lot 1 DP 19161.

To assist, **Attachment A** to this letter includes text which would constitute the amended certificate should it be issued as sought by the applicant.

By not pressing the aspect of the application relating to the change in land area, the applicant will ensure the amended SCC, once issued, is consistent with the land it applies to as described in the current certificate, and as required by Clause 25(10)(a) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

As discussed in the application documentation, the purpose of the SCC Amendment Application is to:

- Replace the description of the type of self-contained dwellings from 'in-fill self-care units with ancillary services' to 'serviced self-care housing' to remove the need for unnecessary legal argument in the pending Court proceedings;
- Note that the asset protection zone extends beyond the boundaries of the 'footprint area'. For the avoidance of doubt this SCC seeks to clarify that development that is for the purposes of seniors housing but is not itself seniors housing (such as the use of land as an asset protection zone for bushfire safety or access) may be carried out within the site, but outside the proposed building footprint area. We seek this clarification in the issued SCC in Schedule 2 (with text proposed that would achieve this goal); and
- Correct the mapping error in the current SCC.

We trust the above information clarifies the applicant's position on these matters. The applicant therefore respectfully requests that the Department continue its assessment of the SCC Amendment Application. Should you require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris' followed by a stylized flourish.

Chris Ferreira
Principal – Planning
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A handwritten signature in black ink, appearing to read 'Tom Goode' followed by a stylized flourish.

Tom Goode
Director – Planning
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Attachment A – Proposed Amended SCC text

**State Environmental Planning Policy (Housing for Seniors or People with a Disability)
2004**

Amended Certificate of Site Compatibility

I, the Deputy Secretary, Planning Services as delegate of the Secretary of the Department of Planning and Environment determine the application made by JBA Urban Planning Consultants Pty Ltd on behalf of Waterbrook Bayview Pty Ltd by issuing this certificate under clause 25(4)(a) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

I certify in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b).

Marcus Ray Deputy Secretary, Planning Services

Date certificate issued: 27/03/2017

Please note certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

SCHEDULE 1

The Site description: Bayview Golf Course, Bayview (Lot 1 DP 662920, Lot 6 DP 45114 and Lot 1 DP 19161.

Project description: To permit ~~95 in-fill self-care units and ancillary facilities~~ 85 serviced self-care housing dwellings for the purpose of seniors ~~living~~ housing.

SCHEDULE 2

Application made by: JBA Urban Planning Consultants Pty Ltd on behalf of Waterbrook Bayview Pty Ltd.

Requirements imposed on determination:

1. Development in the nature of seniors ~~Seniors~~ housing is to be limited to the ~~development building~~ footprint area within the site, as nominated under map ~~Figure 4: New Study Boundary prepared by Cardno and dated February 2017~~ 'SCC Building Footprint Area', by Marchese Partners, dated 23 November 2018. For the avoidance of doubt, development that is for the purposes of seniors housing — but is not in the nature of seniors housing — is permitted outside of the building footprint area, but within the site. Such development may include, for example, asset protection zones for bushfire safety and access.
2. The final layout, ~~number of in-fill self-care living units~~ serviced self-care housing dwellings and onsite facilities in the proposed seniors housing development will be subject to the determination by the consent authority as per clause 24(3) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, to the resolution of issues relating to:
 - ~~form, height, bulk, scale, setbacks and landscaping;~~
 - ~~flood risk management and excavation design responses;~~
 - ~~car parking and access requirements for all existing and proposed land uses on the site; and~~
 - potential ecological impacts.