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Executive Summary

Purpose of this Report

This Site Compatibility Certificate (SCC) amendment application has been prepared on behalf of Waterbrook Bayview Pty Ltd to amend a current SCC.

On 27 March 2017 the Department of Planning and Environment issued an SCC under Clause 25(4)(a) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP) “to permit 95 in-fill self-care units and ancillary facilities for the purpose of seniors living”. The current SCC remains valid for 24 months from the date of issue, with expiration on 27 March 2019. A NSW Land and Environment Court (LEC) appeal to the DA refusal was recently lodged on 21 August 2018.

Further, there has been some debate as to the ‘land’ that is subject to the SCC and whether ancillary land uses (such as asset protection zones) are permitted within the site identified by the SCC, but outside of the ‘development footprint area’ defined under the SCC.

A mapping error has also been identified with the ‘development footprint area’ map referenced in Condition 1 of Schedule 2 of the SCC issued by the Department, which has the effect of prohibiting seniors housing outside the boundary. This has implications for the design of the proposal before the LEC, with the issue noted in Northern Beaches Council’s Statement of Facts and Contentions. An updated building footprint boundary is proposed to be referenced in an amended SCC, which is shown in **Figure 22** and discussed in **Section 3.3.1**.

This SCC amendment application has been submitted, therefore, 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. We have proposed some text that would achieve this goal.
- Correct the mapping error in the current SCC.

The Amended Development

The proposed development that is sought seeks the following aspects:

- Golf course upgrade works, including:
- Seniors housing, being 85 serviced self-care units and ancillary facilities, including:
 - Site preparation works;
 - Construction and use of seven (7) separate buildings of 3 storeys in height, to be operated as a retirement village (within the meaning of the *Retirement Villages Act 1999*);
 - Basement parking for 161 cars, loading and servicing;
 - Landscaping works, including ground level landscaping for the creation of a communal open space area for future residents; and
 - Extension/augmentation of services and utilities to service the development.
- Construction and use of a road linking the proposed seniors housing development to Cabbage Tree Road and a round-a-bout on Cabbage Tree Road (and associated pedestrian crossing); and
- Construction of an access pathway from the site through to the bus stop on the eastern side of Annam Road.

Importantly, the scheme has been amended following the determination by the Sydney North Planning Panel (SNPP), including:

- Reduction in the total number of units from 95 to 85.
- Reduction in the height of the development such that it is entirely compliant with the Pittwater LEP Height of Buildings control of 8.5m.
- Reduction in the extent of the basement, with a reduction in the number of car spaces from 186 spaces to 161 spaces.
- Greater separation between buildings.
- Removal of a portion of the facilities building (reducing the extent of the western component of the building footprint by approximately 85sqm;
- A refined landscaping scheme allowing for updated paths, steps, ramps, retaining walls and levels as well as additional deep soil areas and the retention of an additional 13 trees within the site previously proposed for removal.

The other key elements of the DA (i.e. the golf course upgrade works) are not proposed to be amended.

The Site

The site as it pertains to the proposed amended Site Compatibility Certificate is the entire 37.55ha Bayview Golf Course lands as detailed below:

- | | |
|----------------------|----------------------|
| • Lot A DP 339874 | • Lot 150 DP 1003518 |
| • Lot 1 DP 986894 | • Lot 5 DP 45114 |
| • Lot 2 DP 986894 | • Lot 7 DP 45114 |
| • Lot 3 DP 986894 | • Lot 1 DP 662920 |
| • Lot 300 DP 1139238 | • Lot 1 DP 19161 |
| • Lot 191 DP 1039481 | • Lot 6 DP 45114 |

A drawing showing these allotments appears in **Figure 1**.

The 'allotment' on which the buildings are proposed to be erected (as per the definition of floor space ratio in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*) is identified as:

- Lot 1 DP 662920.

Further, for the avoidance of doubt, development that is for the **purpose** of seniors housing, but is not itself seniors housing (such as the use of land as an asset protection zone for bushfire safety or for access) will be carried out on the site outside the seniors housing building footprint area, but within the site. We respectfully ask that this be expressly noted this in requirement number 1 in schedule 2 of any amended certificate.

Permissibility and the Seniors SEPP

The site is zoned RE2 Private Recreation under the *Pittwater Local Environmental Plan 2014*. Development for the purposes of a *Registered club*¹, roads, environmental protection works, recreation facilities (outdoor) and stormwater drainage systems are permissible in the RE2 zone. Any development that is for the purpose of *seniors housing*² and not one of the nominated permitted land uses is prohibited.

However, clause 15 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) permits serviced self-care housing on land that adjoins land zoned primarily for urban purposes. Accordingly, the land the subject of the proposed development is not required to be zoned for urban purposes, in accordance with Clause 4(1). The land that is subject to the SCC shares an extensive boundary (to the

¹ Registered club means a club that holds a club licence under the *Liquor Act 2007*.

² Seniors housing means a building or place that is contained within the respective definition term of the Pittwater Local Environmental Plan 2014.

north and south) with land that is zoned R2 low density residential (as well as some land zoned B1 Local Centre and R3 Medium Density Residential).

Under Part 5 Clause 42 of the Seniors SEPP, a consent authority must not consent to a development application for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:

- a) home delivered meals, and
- b) personal care and home nursing, and
- c) assistance with housework.

The provisions of the SEPP in sub-clause (5) are satisfied as the land is used as an existing registered club and most of the land that it adjoins is land zoned for urban purposes. Whilst the RE2 golf course site is immediately adjacent to R2 residential lands and contains uses that are clearly 'urban' in nature, the proposal is for serviced self-care units which are able to be provided on land adjoining land zoned primarily for urban purposes, as long as the requirements of clause 42 are met.

Therefore, development may be considered for the purposes of seniors housing despite the use being prohibited under the Pittwater LEP 2014.

Site Compatibility

A Site Compatibility Certificate is required under the provisions of clause 24 of the *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004* and clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000*. A Site Compatibility Certificate is required to accompany development applications when the land is zoned primarily for urban purposes, or land that adjoins land zoned primarily for urban purposes, but only if the land is being used for the purposes of an existing registered club.

This SSC amendment application has been prepared in accordance with Chapter 3, Part 1A of the Seniors SEPP and demonstrates the Site's compatibility with the existing and future intended surrounds.

Reference is also made to *Project Venture Pty Ltd v Pittwater Council* (2005) NSWLEC 191, where principles of determining 'compatibility' are established by responding to the two following questions:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

In preparing this SCC amendment application, consideration has been given to feedback received during consultation held with Council, the NSW Department of Planning and Environment (DPE) and other relevant stakeholders. Importantly, this SCC considers the reasons for refusal of DA2017/1274 (presently under appeal) in amending the scheme proposed to the Land and Environment Court as well as the nature of this SCC.

Previous SCC application

The original SCC for the site was refused by DPE on 6 January 2015. Following this an amended SCC amendment application was prepared that sought to fully address the reasons for refusal.

In February 2016, this new SCC application was lodged with the DPE, being a revised 3-4 storey scheme, and prepared having regard to the reasons for refusal of the previous SCC application and having been prepared for a whole of golf course concept. Following an assessment of this application, the DPE found that the site was suitable for more intensive development and that the proposed concept was compatible with the surrounding land uses and environment. On 27 March 2017, the DPE issued the current SCC under Clause 25(4)(a) of the Seniors SEPP.

The current SCC was issued by the DPE on the 27 March 2017 for a period of 24 months.

DA2017/1274

After the issue of the SCC, a development application (DA2017/1274) was lodged with Northern Beaches Council on 19 December 2017. Following the assessment of the DA by Northern Beaches Council (Council), the Sydney North Planning Panel (SNPP) considered the DA at a determination meeting on 8 August 2018. On the 13 August 2018, the panel refused the DA. The predominant reasons for refusal were:

- Built form;
- Biodiversity;
- Visual Impact;
- Compatibility;
- Public Interest; and
- Permissibility.

The amended proposal has addressed these issues through a reduction in the height (to be compliant with the LEP Height of Buildings control), scale and density of the built form, with the SCC also clarifying those items raised in terms of permissibility. There has been a reduction in the basement size and the number of parking spaces, and a subsequent reduction in the amount of excavation required for basement car parking.

Conclusion and Justification

It is considered that the proposed amended concept is compatible with the surrounding environment having regard to not only the criteria specified in Clause 25(5)(b), but having regard to the existing streetscape, environment, surrounding land uses, and the Planning Principle for compatibility as established by Roseth SC in *Project Venture Developments v Pittwater Council* [2005].

The proposed development is consistent with the aims of the Seniors Housing SEPP and meets the requirements of Clause 25 of the Seniors Housing SEPP. Accordingly, an amended Site Compatibility Certificate can be issued as requested.

1.0 Introduction

This Site Compatibility Certificate amendment application has been prepared on behalf of Waterbrook Bayview Pty Ltd. The current SCC already demonstrates:

- that the proposed site of the certificate is suitable for more intensive development; and
- that development for the purposes of serviced self-care housing (being a form of seniors housing) is compatible with the surrounding environment having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP.

1.1 Background

There is a significant background to the proposal, which has involved an extensive planning and consultation process having been undertaken across two previous SCC applications and a DA. The proposal is the product of feedback from the Department of Planning and Environment (DPE) through the Site Compatibility Certificate (SCC), consultation with Council, a proponent-led public consultation program through to the lodgement of the DA, and the further evolution of the proposal following the refusal of the DA by the Sydney North Planning Panel. (The Land and Environment Court has granted leave to rely on the further evolved proposal.)

On 27 March 2017 the Department of Planning and Environment issued the current Site Compatibility Certificate (SCC) under Clause 25(4)(a) of the Seniors SEPP for the purposes of in-fill self-care housing with ancillary services. The current SCC remains valid for 24 months and therefore expires on 27 March 2019. A Land and Environment Court (LEC) appeal to the DA refusal was recently lodged on 21 August 2018.

1.2 Objectives of the Development

Bayview Golf Club has identified the need for the revitalisation and rehabilitation of the existing club facilities to ensure the long-term sustainability and ongoing viability of the club and course. The following key objectives have therefore been identified for the project:

- The retention of an 18-hole golf course.
- Improvement of the course's playability, ecological connectivity and drainage connectivity.
- Minimise the number of non-playable days due to inclement weather (the club currently experiences 20 non-playable days per annum, with financial losses of \$2,700 per day).
- Provision a high-quality development in keeping with the character of the locality and which is sympathetic to the surrounding neighbours and community.
- The ability to activate the project in the shortest reasonable time.
- The achievement of a realistic financial return to the Club on a timely basis.

The use of land for the seniors living development would provide Bayview Golf Club the opportunity to invest additional resources to renovate the course to maintain 18 new greens and tees. The whole of golf course environmental works seeks to mitigate flooding of the fairways which currently occurs during inclement weather, as well as to surrounding residential properties. The revegetation works will increase the size and connectivity of the conservation linkages promoting flora and fauna corridors.

1.3 Previous Applications

1.3.1 SCC 1 (2014)

A Site Compatibility Certificate (SCC) application was first lodged with the DPE in August 2014. In accordance with Clause 25(4)(a) of the Seniors SEPP, the application was refused on 6 January 2015 for the following reasons:

- the proposed height, scale and built form is inconsistent with the existing surrounding character of the area, which is predominately two storey single detached housing in a heavy landscaped environment;

- the site is classified as flood prone land and insufficient evidence has been provided to demonstrate development potential or to ensure there would be no adverse impact on surrounding land uses; and
- the proposal would have significant environmental implications for existing threatened flora and fauna and the adjacent wildlife corridor. Limited evidence or consideration has been provided to address the potential direct and indirect impacts of development or mitigation measures.

1.3.2 SCC 2 (2016)

A subsequent SCC application was prepared by JBA (now Ethos Urban) and lodged with the DPE in February 2016. The proposed concept evolved having regard to the reasons for refusal and the assessment report prepared by DPE in relation to the previously refused SCC. The proponent also met with the DPE and council to discuss the reasons for refusal in detail and to outline how these matters could be addressed in any subsequent proposal.

The revised proposal sought to address the reasons for refusal in the following manner:

Built Form

- Significantly reduced building heights from 5 storeys to 3-4 storeys.
- Providing increased breaks in the built form to enable view corridors and reduce the overall visual bulk of the development.
- Recessed building envelopes at the top level.
- Increased landscaping and permeability through the development site.
- An overall reduced building bulk and footprint.

Flooding

- The proposal was redesigned to address flood emergency responses, as well as extensive flood rehabilitation works for the golf course site as part of a combined strategy for the site and its wider context in the golf course.

Ecology

- The revised proposal resulted in an overall net increase in revegetation for wildlife corridors and a reduction in the loss of vegetation across the wider golf course site, including the retention of a significant number of tree species along Cabbage Tree Road previously proposed for removal.

Following an assessment of the revised proposal, the DPE issued an SCC which determined that:

- The site of the proposed development was suitable for more intensive development; and
- 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).

1.3.3 DA2017/1274

Following the issuing of the SCC, a development application (DA2017/1274) was lodged with Northern Beaches Council on 19 December 2017. Following the assessment of the DA by Northern Beaches Council (Council), the Sydney North Planning Panel (SNPP) considered the DA at a determination meeting on 8 August 2018.

On the 13 August 2018, the panel refused the DA. The predominant reasons for refusal were:

- Built form;
- Biodiversity;
- Visual Impact;
- Compatibility;
- Public Interest; and
- Permissibility.

The amended proposal has addressed these issues through a reduction in the height such that the scheme is compliant with the Pittwater LEP Height of Buildings control, as well as a reduced scale and density of the built form with deletion of 'infill' units at ground level and increased building separations. The Land and Environment Court has granted leave to rely on the further evolved proposal.

In addition, there has been a reduction in the basement size and the number of parking spaces, and a subsequent reduction in the amount of excavation required for basement car parking.

A detailed response to the SNPP's reasons for refusal is included in **Appendix F**, which is an Addendum Statement of Environmental Effects currently before the LEC for the amended DA proposal. Included in the SNPP's Determination and Statement of Reasons, it was noted that Panel member Sue Francis sought to defer the application subject to the following amendments being made to the design:

- Reduction in the length of the built forms with consequential increase in the 'gaps between buildings';
- Reduction in the extent of excavation for basement parking and a reduction in car parking to be consistent with the Seniors SEPP; and
- Reduction in height so that no building is higher than 3 storeys.

These recommendations have been taken on board as part of the revised design of the Seniors Housing development. In particular the amended design incorporates:

- Reduced building lengths with the removal of the ground floor units connecting Blocks A and B, Blocks C and D, as well as E and F;
- Reduced basement excavation associated with the reduction in basement car parking;
- The removal of the fourth storey from Buildings E and F to ensure no building is higher than 3 storeys; and
- A reduction in the overall height of the buildings and lowering of buildings to ensure the entire development sits below the 8.5 metre height limit under the LEP.

1.4 Engagement with Relevant Authorities

A comprehensive engagement strategy has been undertaken by Waterbrook Bayview Pty Ltd across the entire planning process to date in order to ensure that all key stakeholders are considered during the preparation of the design of the proposal.

2.0 Site Context and Analysis

2.1 The Site

The analysis has directly informed the location of the proposed development, with a view to maximising spatial separation to residential properties adjoining the golf course land, minimising the proposal's impact on the environment and ensuring that the building elements are located outside the hitting zones associated with the reconfigured golf course surrounding the proposed allotment.

The vegetation on the Site consists of open mown grass fairways, greens and tees with canopy trees lining fairways. A narrow band of denser vegetation is located on the steeper land adjacent to the proposed western boundary and along the Cabbage Tree Road frontage. The majority of the trees are indigenous species with some exotic and non-indigenous tree plantings. Bus stops are located to the east of the site on Annam Road (outside Bayview Gardens Retirement Village), providing direct and convenient access to the Mona Vale commercial centre which provides for a wide range of services and facilities via a short 5-minute bus ride.

The site as it pertains to the proposed amended Site Compatibility Certificate is the entire Bayview Golf Course lands (approximately 37.55ha) as detailed below:

- Lot A DP 339874
- Lot 1 DP 986894
- Lot 2 DP 986894
- Lot 3 DP 986894
- Lot 300 DP 1139238
- Lot 191 DP 1039481
- Lot 150 DP 1003518
- Lot 5 DP 45114
- Lot 7 DP 45114
- Lot 1 DP 662920
- Lot 1 DP 19161
- Lot 6 DP 45114

The 'allotment' on which the buildings are proposed to be erected (as per the definition of floor space ratio in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*) is identified as:

- Lot 1 DP 662920.

The proposal has been informed by a detailed site and contextual analysis, which has included feedback from a range of consultants in the fields of flooding, flora and fauna assessment, bushfire assessment, geotechnical / acid sulfate soils analysis, servicing, traffic and access.

Further, for the avoidance of doubt, 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 for access) will be carried out on the site outside the seniors housing 'building footprint area', but within the site. We respectfully ask that this be expressly noted in requirement number 1 in schedule 2 of any amended certificate.

2.1.1 Site Description (natural elements of the site including known hazards and constraints)

The site analysis has identified the following known hazards and environmental constraints located both on the proposed allotment, and on the adjacent golf course land:

- Native vegetation;
- Flood risk/ drainage;
- Wildlife corridor;
- Geotechnical hazard; and
- Bushfire Prone Land.

It is noted that whilst parts of the wider golf course site are affected by geotechnical hazards as mapped in the Pittwater LEP 2011, for the absolute avoidance of doubt, that the proposed seniors housing is not affected by geotechnical hazard, as outlined in the geotechnical report in **Appendix G**.

Of relevance, a recent Land & Environment Court case of *Whittaker v Northern Beaches Council (No 3) [2018] NSWLEC 143* found that, in regard to geotechnical hazards:

“the description “geotechnical hazard” used in the PLEP (Pittwater LEP) to identify the portion of the site shaded mustard and marked “AE” on the Geotechnical Hazard Map is not a “like description” of the expression “natural hazard” in Sch 1 of the SEPP”

Accordingly, there is no need for the SCC to exclude this land. The current SCC does not do so. However, it is noted that the proposed development is not impacted by geotechnical hazards, and is sited well away from the mapped area.

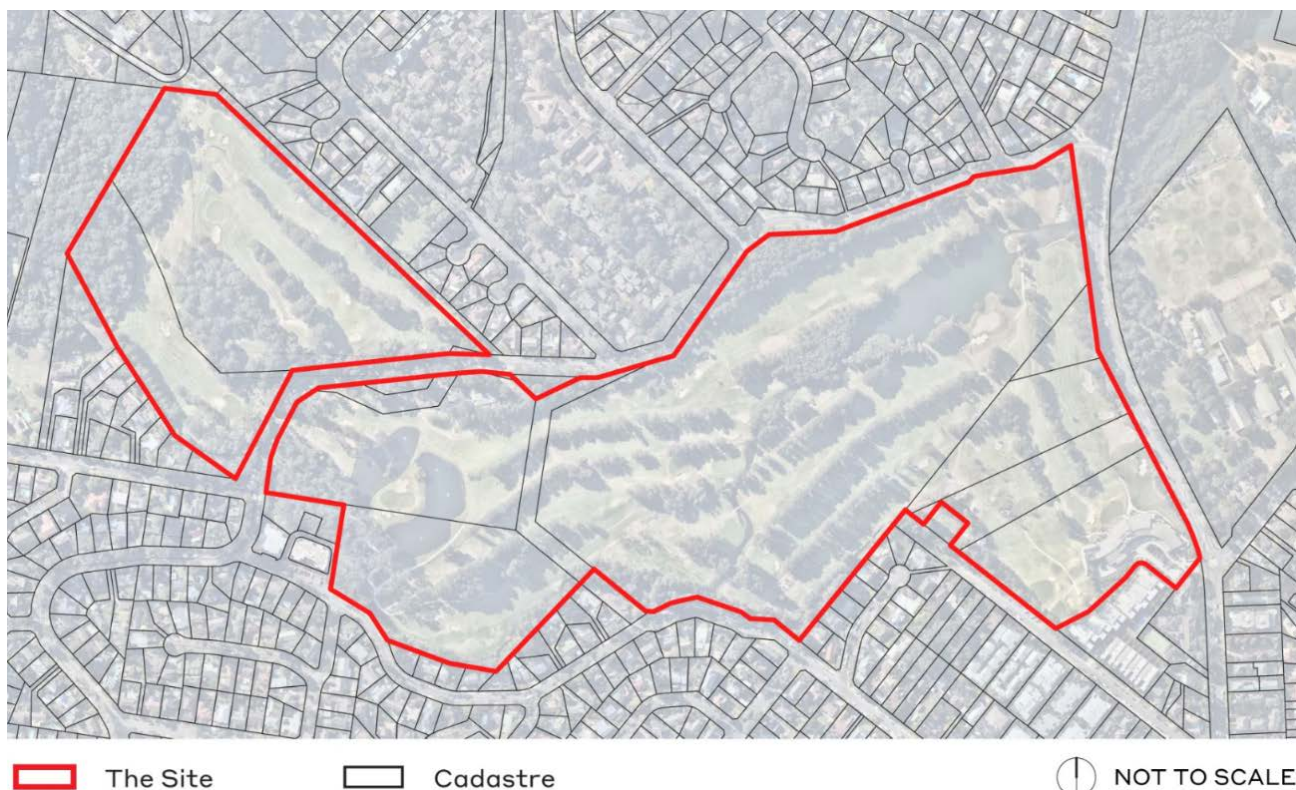


Figure 1 – The site

Source: Google Maps and Ethos Urban

2.2 Site Context

The Site is located on Cabbage Tree Road, Bayview, and forms part of the Bayview Golf Course, comprising existing fairways and greens. The Site is located along Cabbage Tree Road and is located on the northern half of the golf course which is split by Cabbage Tree Road. The Site is surrounded by golf course land and residentially zoned R2 land to its northern and southern boundaries.

The southern half of the overall golf course and club are located on the south-eastern side of Cabbage Tree Road, bounded by Pittwater Road to the east and Parkland Road to the south, within the Northern Beaches Local Government Area (LGA) and surrounded by low density residential development to the north east and west.

The Site's locational context is shown in **Figure 2**.

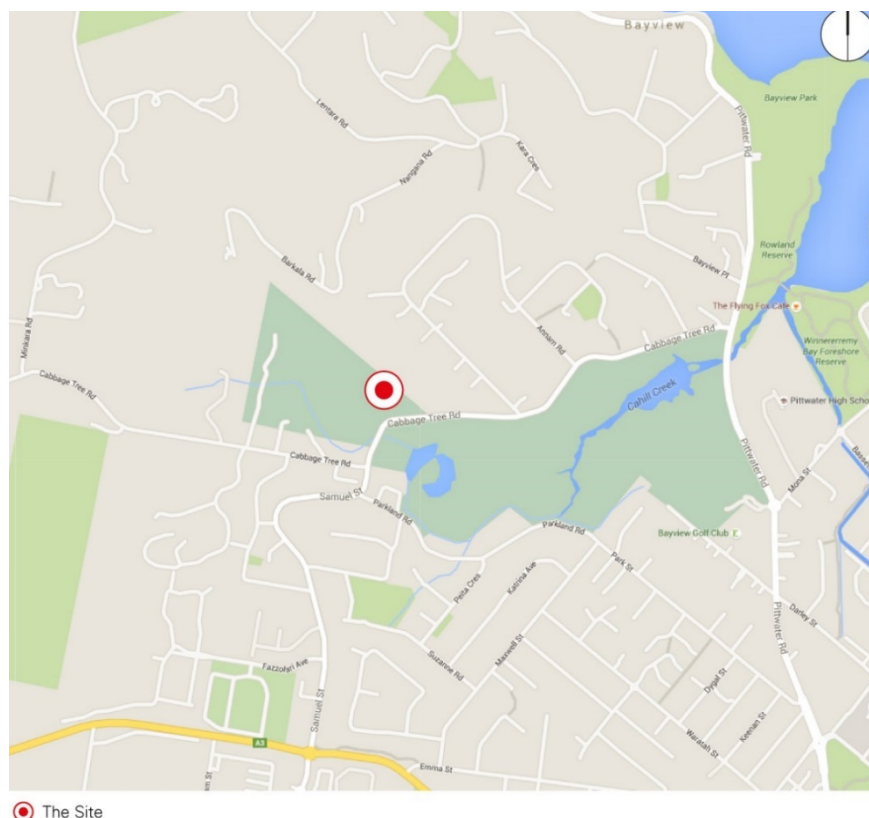


Figure 2 – Context Map

Source: Google Maps

2.2.1 Bayview Golf Club Operations

Bayview Golf Club has been in existence since 1924, under private ownership, and has been a publicly available golf course since its inception. The club is an important community site with approximately 1,600 members. In more recent times, the economic viability of the club has declined, with the golf course also requiring substantial upgrade works to ensure its playability.

A statement prepared by Bayview Golf Club is included in **Appendix H**. This statement makes comment on the financial implications of the proposal and the overall master plan for the golf course. In summary:

- Bayview Golf Club is currently in a delicate financial position, with the overall master plan seeking a balanced solution to ensure the reinvigoration of the club;
- The proposed concept and associated flood mitigation works will allow the golf course to remain open for play for an additional 20 days per year, which will have a direct benefit in additional revenue and maintenance that is estimated to result in positive financial income for the course. Currently, the result in lost fees per wet weather day is approximately \$2,700, spread over 20 days a year (approximately \$54,000 per annum);
- The proposal will allow Bayview the opportunity to invest resources into improving the quality of the golf course, thereby ensuring its attractiveness and viability into the future.

2.3 Built Form Context

Development to the north-east of the site (beyond the golf course boundary) is characterised by single and two storey dwelling houses, as well as seniors housing developments of 2-3 storeys in scale.

The nearest residential receiver is located 38 metres from the proposed development at 3 Kiewa Close, with a majority of residential properties to the north-east located in excess of 80 metres away from the proposed seniors housing. Two and 3 storey detached dwelling houses located to the south-west over 130 metres from the proposed boundary. A small neighbourhood centre is located to the north-west of the site comprising 3 storey shop top housing development.

Nearby Seniors Housing and Residential Apartment Buildings

A number of seniors housing sites are located in proximity to the site, with 3 storey and 4 storey building types. The Bayview Gardens retirement village, operated by Aveo, is located approximately 100 metres to the east of the site, fronting Cabbage Tree Road and Annam Road. That development comprises predominantly 2 storey townhouses and apartments, with recently completed and under construction 3 storey independent living and serviced apartments. A respite care facility, community centre and associated amenities are also provided within the retirement village.

Aveo also operates other nearby retirement villages, such as Peninsula Gardens, which is located further to the west on Cabbage Tree Road and Minkara Retirement Resort, located on Minkara Road to the north of the site. A numeric overview of these developments compared with the proposed Waterbrook seniors housing is provided in **Table 1** below. As can be seen from the table, the proposal's metrics are generally more modest when compared with those of neighbouring seniors housing establishments in the locality.

A recent example of 3 storey residential apartment buildings can be found in close proximity to the site at 50-60 Parkland Road, Bayview (see **Figure 9** and **Figure 10** below). These buildings directly abut the golf course approximately 200m from the proposed seniors housing development.

Table 1 Numeric comparison of neighbouring seniors housing development with the proposal

Site	Site area	GFA	FSR	Units
Aveo Bayview Gardens	74,970 sqm	109,488 sqm	1.46:1	288
Aveo Minkara	104,100 sqm	42,804 sqm	0.41:1	159
Aveo Peninsula	94,120 sqm	22,584 sqm	0.24:1	75
Waterbrook Bayview	Total golf course site: Approximately (37.55ha) Area of Lot 1 DP 662920: 98,812 sqm (9.812ha)	18,507 sqm	0.19:1 ³	85

³ For the purposes of identifying the relevant FSR calculation for the site, an area of 97,220 sqm (9.722ha) has been utilised, being the area of the allotment on which the building is proposed to be erected as per the definition of floor space ratio in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.



Figure 3 – View of existing seniors living units, Aveo Minkara
Source: Ethos Urban



Figure 4 – View of existing seniors living units, Aveo Minkara
Source: Ethos Urban



Figure 5 – View of existing seniors living units, Aveo Minkara
Source: Ethos Urban



Figure 6 – View of existing seniors living development, Aveo Peninsula
Source: Ethos Urban



Figure 7 – View of existing seniors living units at Aveo Bayview Gardens, viewed from Annam Road
Source: Ethos Urban



Figure 8 – View of existing seniors living units at Aveo Bayview Gardens, viewed from Kiah Close
Source: Ethos Urban



Figure 9 – 50-60 Parkland Road, Bayview
Source: Ethos Urban



Figure 10 – 50-60 Parkland Road, Bayview (view adjacent to golf course)
Source: Ethos Urban

2.4 Immediate Context (Site Analysis)

The proposed seniors housing has been informed by a detailed site and contextual analysis which has included feedback from a range of consultants in the fields of flooding, flora and fauna assessment, bushfire assessment, geotechnical / acid sulphate analysis, servicing, traffic and access.

The detailed site analysis, as required by Clause 30 of the Seniors SEPP, is included in the Architectural Drawings package in **Appendix A**.

This site analysis has directly informed the location of the proposed buildings, with a view to maximising spatial separation to residential properties adjoining the golf course land, minimising the proposal's impact on the environment and ensuring that the building elements are located outside the hitting zones associated with the reconfigured golf course surrounding the proposed development.

The seniors housing is located on a spur in the north-west of the Bayview Golf Club land. The spur descends in a south-easterly direction from the Warriewood escarpment to the west down to the southern side of Cabbage Tree Road. The highest elevation of the site is approximately 27m AHD in the north-west corner and the lowest around 3.5m AHD in the eastern corner (as shown in **Figure 11**).

The vegetation on the site consists of open mown grass fairways, greens and tees with canopy trees lining fairways the (see **Figure 13**). A narrow band of denser vegetation is located on the steeper land adjacent to the proposed western boundary and along the Cabbage Tree Road frontage. The majority of trees are indigenous species, with some exotic and non-indigenous tree plantings.



Figure 11 – View along proposed road towards the connection to Cabbage Tree Road

Source: Ethos Urban



Figure 12 – Topography of the surrounding golf course site

Source: Ethos Urban



Figure 13 – View looking up the 5th Fairway, being the location of the future seniors housing

Source: Ethos Urban

2.5 Natural Environment

The site and its surrounds are subject to various flora and fauna habitats. Surrounding the site, there are:

- To the north-west: the ridgetop of Warriewood escarpment has an elevation of more than 100 m AHD and includes the cleared farming land of Ingleside. Remnant open forest occurs on the slopes, including in adjoining gully vegetation to the north-west, Katandra Bushland Sanctuary 800 m to the south-west, Ku-ring-gai Chase National Park 1.5 km to the west.
- To the south-west, south and north-east: residential land with scattered pockets of indigenous trees, as well as patches of bushland varying in size from 0.033 ha of Illya Avenue Reserve to 2.6 ha of Minkara Reserve within 1 km of the BGC land; and
- To the east: Pittwater Road with Pittwater High School constructed on filled land further to the east, estuarine vegetation associated with Cahill Creek, and further to the east by bushland of Winnererremy Foreshore Bay Reserve and the recreational turfed foreshore of the 9.16 ha Rowland Reserve (adjoining Winnererremy Bay).

The landform, drainage and vegetation of the site have been highly modified over the 90-year history of use as a golf course. From a review of the historic aerial photographs, clearing and planting have been widespread with extensive landform modification on the low-lying portion of the course. Additionally, the mapped watercourses close to the north, south and south-west boundaries are historically dug drainage lines to a depth of -1 m AHD. Cahill Creek has been also historically modified and deepened.

In terms of local habitat connectivity, there are bushland areas located:

- to the west of the golf course, located on private land and which form part of the Warriewood Escarpment;
- to the east, a <5 ha area of natural habitat on the western foreshore of Winnererremy Bay; and
- to north and south, sparse to moderate tree canopy cover on residential land.

An analysis of the potential impact of the proposal on the natural environment is contained in **Section 6.3** and is further analysed within the Environmental Assessment (Ecology) Report (**Appendix I**).



Figure 14 – Creek line running through the lower portion of the golf course

Source: Ethos Urban



Figure 15 – Fairways, vegetation and adjoining pathways along the course perimeter
Source: Ethos Urban



Figure 16 – Illustration of flora and fauna on site (adjacent to 7th green)



Figure 17 – View down the 7th fairway towards adjoining residences
Source: Ethos Urban

2.6 Ecological

An assessment of the ecological constraints and opportunities of the site is included in the Environmental Assessment report prepared by Anne Clements & Associates in **Appendix I**.

The purpose of the assessment undertaken was to determine the flora and fauna environmental constraints and opportunities on the highly modified Bayview Golf Club land. The assessment identifies the flora and fauna constraints discussed below and describes the overall golf course site into two areas, being 'higher land' (land at an elevation above 3m AHD) and 'low-lying land' (being land at an elevation of less than 3m AHD).

2.6.1 Higher Land (>3m AHD)

Where the proposed seniors housing is to be located, which is on the higher portion of the golf course to the north-west of Cabbage Tree Road, and which is on the lower section of a gently sloping spur, the following flora and fauna constraints were identified:

- The vegetation within the proposed development site consists mostly of mown exotic grass fairways with between-fairway strips of canopy trees.
- The soils of the proposed development area have been manipulated for the golf course use.
- Remnant trees on the proposed development site are mainly *Eucalyptus paniculata*, with *Angophora floribunda*, *Eucalyptus scias*, *E. umbra*, with *Syncarpia glomulifera* also common. These tree species are representative of 'Coastal Enriched Moist Forest' mapped by Council. This community was likely to occur in this area before clearing.

Adjacent to the proposed development site, but still on higher land, the following flora and fauna constraints were identified:

- The mown fairways and between fairway vegetation continue to the north, north-west and south-west. There is remnant wet sclerophyll forest containing rainforest elements downslope of the proposed development site and upslope of Cabbage Tree Road and modified forest adjoining the proposed development site to the north-west and west.
- In the north-west of the BGC land, there is a reference site of wet sclerophyll forest with rainforest elements.
- *Livistona australis* is also a prevalent species, particularly to the south of the proposed development site and in remnant forest in the north-west of BGC land. Other wet forest elements such as ferns and vines are common.
- No communities of Commonwealth or State conservation significance were recorded on the proposed development land, but areas with subcanopy and midstorey vegetation includes rainforest elements, notably *Livistona australis*, adjoining the development site.
- The watercourses appear to be adversely affected by urban runoff from adjoining residential areas, including likely sewage overflow evident from high *E. coli* readings in watercourses adjoining the perimeter of the BGC land. There is evidence of brackish/saline influence throughout much of the lower areas of BGC land.
- The 121 exotic species recorded include 15 weeds (formerly listed as Noxious) for Pittwater LGA, namely: *Acetosa sagittata*, *Anredera cordifolia*, *Araujia sericifera*, *Asparagus aethiopicus*, *Asparagus plumosus*, *Cardiospermum grandiflorum*, *Cinnamomum camphora*, *Lantana camara*, *Ligustrum lucidum*, *Ligustrum sinense*, *Ochna serrulata*, *Oxalis debilis* var. *corymbosa*, *Oxalis latifolia*, *Romulea rosea* and *Senna pendula* var. *glabrata*.
- Five hollows and two potential hollows were detected in the survey north of Cabbage Tree Road, with one hollow and one potential hollow located within the proposed development area. The loss of one hollow from the proposed development would not be significant provided its loss is offset by the installation of nest boxes.
- A Powerful Owl (*Ninox strenua*) was detected in the vicinity in July 2017 and also heard on 16 November 2017 in the rainforest section to the north-west of the proposed development site. On 17 November 2017, in the same area two fledgling Powerful Owls and an adult were observed sitting in the canopy of a large *Ceratopetalum apetalum* (Coachwood).

2.6.2 Low-lying Land (<3m AHD)

The following flora and fauna constraints were identified on the low-lying sections of the golf course:

- The landform has been extensively modified with filling and relocation of creeklines.
- There are limited areas of original Coastal Floodplain soil in the west, south of Cabbage Tree Road, mapped by Benson and Howell (1994) as a patch of Coastal Swamp Forest Complex (Map unit 27a in **Appendix I**), and a narrow strip adjoining Cabbage Tree Road. The reference site for the Coastal Floodplain community is a narrow strip of degraded forest on low-lying land south of Cabbage Tree Road.

The native vegetation on original low-lying Coastal Floodplain soil is of conservation significance as the endangered ecological communities of Coastal Floodplain under the *NSW Threatened Species Conservation Act 1995*.

2.7 Stormwater and Flooding

The stormwater and flooding context for the site is taken from the relevant flood study for the site, being the *Mona Vale, Bayview, and McCarrs Creek Flood Study Review*, prepared by Royal Haskoning DHV. Northern Beaches Council adopted this flood study in July 2017.

Figure 18 below shows the Flood Planning Area (1% Annual Exceedance Probability [AEP] flood level plus 500mm freeboard) from the *Mona Vale, Bayview, and McCarrs Creek Flood Study Review*. As can be observed, the majority of the low-lying portion of the Bayview Golf Course is inundated by mainstream flooding in the 1% AEP event. The Probable Maximum Flood extents from the Mona Vale, Bayview, and McCarrs Creek Flood Study Review are shown in **Figure 19**. The peak flood level is about 3.1m AHD in the golf course.

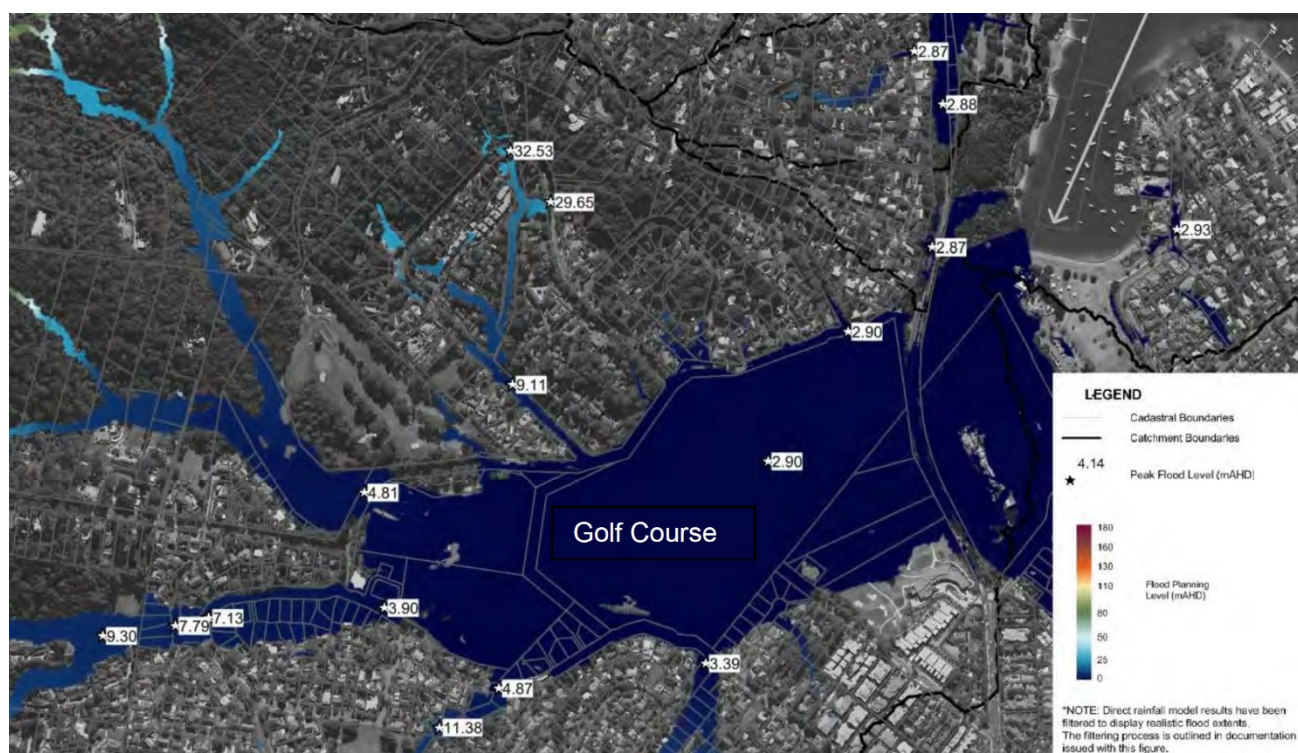


Figure 18 – Flood Planning Area Map for the Bayview Golf Course

Source: Royal Haskoning DHV (Cardno 2017)

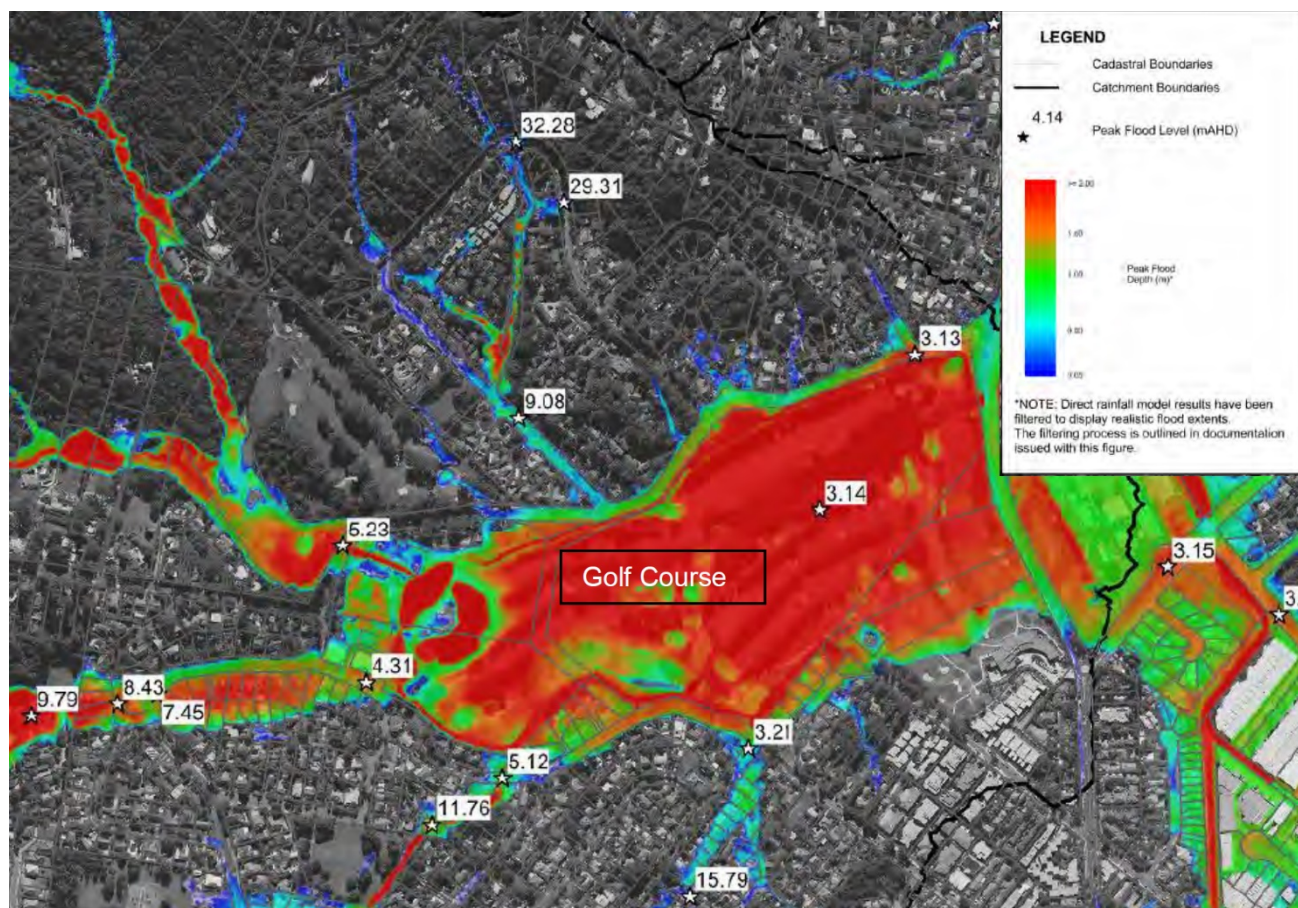


Figure 19 – PMF Flood Levels for the Bayview Golf Course Site

Source: Royal Haskoning DHV (Cardno 2017)

2.8 Demographic Context

Based on the demographic analysis undertaken within the Project Viability Statement (**Appendix J**), the number of persons within the former Pittwater LGA aged 70+ and 80+ are projected to double between 2011 and 2031. It is expected that this significant increase will see a correlated increase in demand for seniors housing options, including for independent living options. The 75-79 age bracket projected to have the largest proportional growth (115%) of all age groups within the Pittwater LGA over this period. This is reflected in **Table 2** below.

Table 2 Number of persons and projected growth in the former Pittwater LGA above selected age thresholds

Age	2011 (persons)	2031 (persons)	Growth (2011 – 2031)
50+	23,000	33,100	10,100 (44%)
60+	14,150	23,000	8,850 (63%)
70+	6,950	13,650	6,700 (96%)
80+	3,000	6,000	3,000 (100%)

The projected growth in the older age brackets is a result of both natural ageing of the incumbent population and, to a lesser extent, a tendency for older couples (in their 50s and 60s) to move to the Pittwater LGA for a 'sea change' in their 'empty-nester' phase.

In light of the above, it is evident that there is a clear need to provide additional accommodation options catering to seniors within the Northern Beaches LGA over the short to medium-term.

2.9 Access to services and facilities and access

An Access Assessment Report has been prepared by BCA Logic to assess the proposal's consistency with the relevant BCA, DDA and Seniors SEPP provisions and standards (see **Appendix K**). The report considers that the plans comply or are capable of complying with the relevant accessibility standards and provisions.

A key feature of the development is the wayfinding pathways that will ensure ease of access from the entrance of each building, through the landscaped domain and towards the facilities building, reception and nearby public transport. These paths have been designed to the Australian Standard with handrails where needed and comply with required gradients.

An appendix to this accessibility report includes the Access Report prepared by Accessibility Solutions. This report considers the development with respect to the locational requirements of Clauses 26 and 38(i) of the Seniors SEPP. This assessment concludes that:

- Subject to the installation of a footpath from the site along Cabbage Tree Road to the existing footpath, Annam Road footpath and kerb ramp crossing to a bus boarding plinth the development will provide appropriate pedestrian access to public transport in accordance with clause 26(2)(3)(4) of the Seniors SEPP.
- The available bus services provided by Route 155, in conjunction with the abovementioned pedestrian infrastructure, will provide appropriate access to services in a manner consistent with clause 26(2)(b) of the Seniors SEPP.
- The destination shopping centres at Mona Vale, Narrabeen, Collaroy, Dee Why, Brookvale and Manly provide a comprehensive range of services to readily satisfy Clause 26(1) and 26(5) of the Seniors SEPP.

It is noted that under Section 25 (5) (b) (vii) of the Seniors SEPP that a cumulative impact study must be provided if there is another SCC within a 1km radius. At the time of writing, there were no registered SCC applications within this radius registered on the DPE website.

3.0 The Proposal

3.1 Description of the Proposal

This chapter of the report provides a detail description of the proposed development. Specifically, the proposal is for:

- Site preparation works
- Seniors housing, being 85 'serviced self-care units and ancillary facilities for the purpose of seniors living', including:
 - Construction and use of seven (7) separate buildings of predominantly 3 storeys in height, to be operated as a retirement village (within the meaning of the *Retirement Villages Act 1999*);
 - Basement parking for 161 cars, loading and servicing;
 - Landscaping works, including ground level landscaping for the creation of a communal open space area for future residents; and
 - Extension/augmentation of services and utilities to service the development.
- Construction and use of a road linking the proposed seniors housing development to Cabbage Tree Road and a round-a-bout on Cabbage Tree Road (and associated pedestrian crossing);
- 'Waterbrook' signage adjacent to the roadway entry; and
- Construction of an access pathway from the site through to the bus stop on the eastern side of Annam Road.

Architectural drawings illustrating the proposed development have been prepared by Marchese Partners and are included in **Appendix A**. These drawings current comprise the development application that is before the Land and Environment Court.

For avoidance of doubt, 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 and access) is to be carried out on the site outside the building footprint area. For example, the bushfire Asset Protection Zone will naturally occur outside of the development footprint. We respectfully ask that this be expressly noted in requirement number 1 in schedule 2 of any amended certificate.

3.2 Golf Course Works

The proposed works also include significant upgrades to the environmental qualities of the golf course, including significant earthworks and revegetation to increase playability and its environmental qualities. The works include:

- Golf course layout reconfiguration including the retention of all 18 holes in a manner that will accommodate a seniors housing development, substantial flood mitigation works and the revegetation strategy whilst still meeting the needs of golf club members;
- Flood mitigation works, including raising sections of the golf course to improve playability and reduce inundation, and the rehabilitation of creek lines through the course;
- Revegetation of the surrounding golf course to increase the size and connectivity of the conservation linkages promoting flora and fauna corridors that will better connect the upper catchment of the golf course with the lower portion of the course and Bayview;
- New pathways allowing for improved access within the course; and
- Demolition of the existing maintenance shed, to be replaced by a new maintenance facility for the storing of maintenance equipment.

3.3 Amendments to the current SCC

Broadly, the amendment to the proposed development, when compared with the development anticipated by the current SCC, involves a reduction in the height, scale and density of the built form. There has been a reduction in the basement size and the number of parking spaces, and a subsequent reduction in the amount of excavation required for basement car parking.

Amended architectural plans have been prepared by Marchese Partners to document the amended design and to address design issues associated with the proposed development that have been raised by Council and the SNPP. The amendments to the development include:

- Reduction in the total number of units from 95 to 85;
- Reduction in height of the development generally with all buildings within the LEP Height of Buildings control of 8.5m height limit;
- Reduction in the extent of the basement, with a reduction in the number of car spaces from 218 spaces to 161 spaces.
- Greater separation between buildings;
- Removal of a portion of the facilities;
- A refined landscaping scheme allowing for:
 - Updated paths, steps, ramps, retaining walls and levels;
 - Additional deep soil provided;
 - Retention of an additional 19 trees within the site previously proposed for removal (159 down to 140)

3.3.1 Revised Building Footprint Boundary

A mapping error has been identified with the 'development footprint area' boundary referenced in Condition 1 of Schedule 2 of the SCC issued by the Department, which has the effect of prohibiting development in the nature of seniors housing outside the 'development footprint boundary'. This has implications for the design of the proposal before the LEC, with the issue noted in Northern Beaches Council's Statement of Facts and Contentions.

Accordingly, this SCC amendment application seeks to replace the map referenced in Condition 1, with an updated map illustrating the correct boundary, discussed below.

History

Condition 1 of Schedule 2 of the current SCC references a plan prepared by Cardno dated February 2017, which confines the location of seniors housing to within a boundary nominated as a 'development footprint area'. However, it is apparent that the development footprint area boundary was drawn in the wrong location by Cardno. As such, three (3) of the buildings proposed with the DA currently before the LEC are not located within the nominated boundary.

The Cardno SCC boundary was incorrectly rotated, and so does not match up with either the SCC drawings prepared by Marchese at the time, nor the current Marchese drawings issued for the LEC proceedings. The proposal in the current development application therefore does not strictly meet Condition 1 of Schedule 2 of the SCC.

The Department, in issuing the current SCC, utilised the Cardno figure following a specific request that they be issued a figure from one of Cardno's reports, prior to the SCC being determined. The figure was then referenced in the condition, however, the applicant was not aware the Cardno figure would be used to this effect.

The source of the figure was a Cardno letter dated 17 November 2016, which was prepared to respond to concerns about flooding and geotechnical hazards raised by Council at the time. The applicant confirmed at the time that the proposed development footprint would be confined to a 2ha (approx.) parcel of land unaffected by these constraints, and that should the Secretary require, a condition imposed on the SCC would be welcomed such that no seniors housing could be constructed within the geotechnical zone as mapped in the LEP or areas of localised flooding to

the north east. Such a condition would effectively limit seniors housing to the nominated parcel of land in order to appease Council's concerns. (Please note that it is no longer necessary to exclude the geotechnical land, given the recent Land and Environment Court decision referred to earlier.)

Cardno's November 2016 response letter proposed an amendment to the development footprint boundary to avoid an overland flow path to the north east. Attached to the Cardno letter is a plan in Appendix A titled "Figure 1: Floodway & Geotechnical Hazard Zone", which illustrates a modified boundary to avoid the geotechnical zone and overland flow path. The figure is shown in **Figure 20** below.

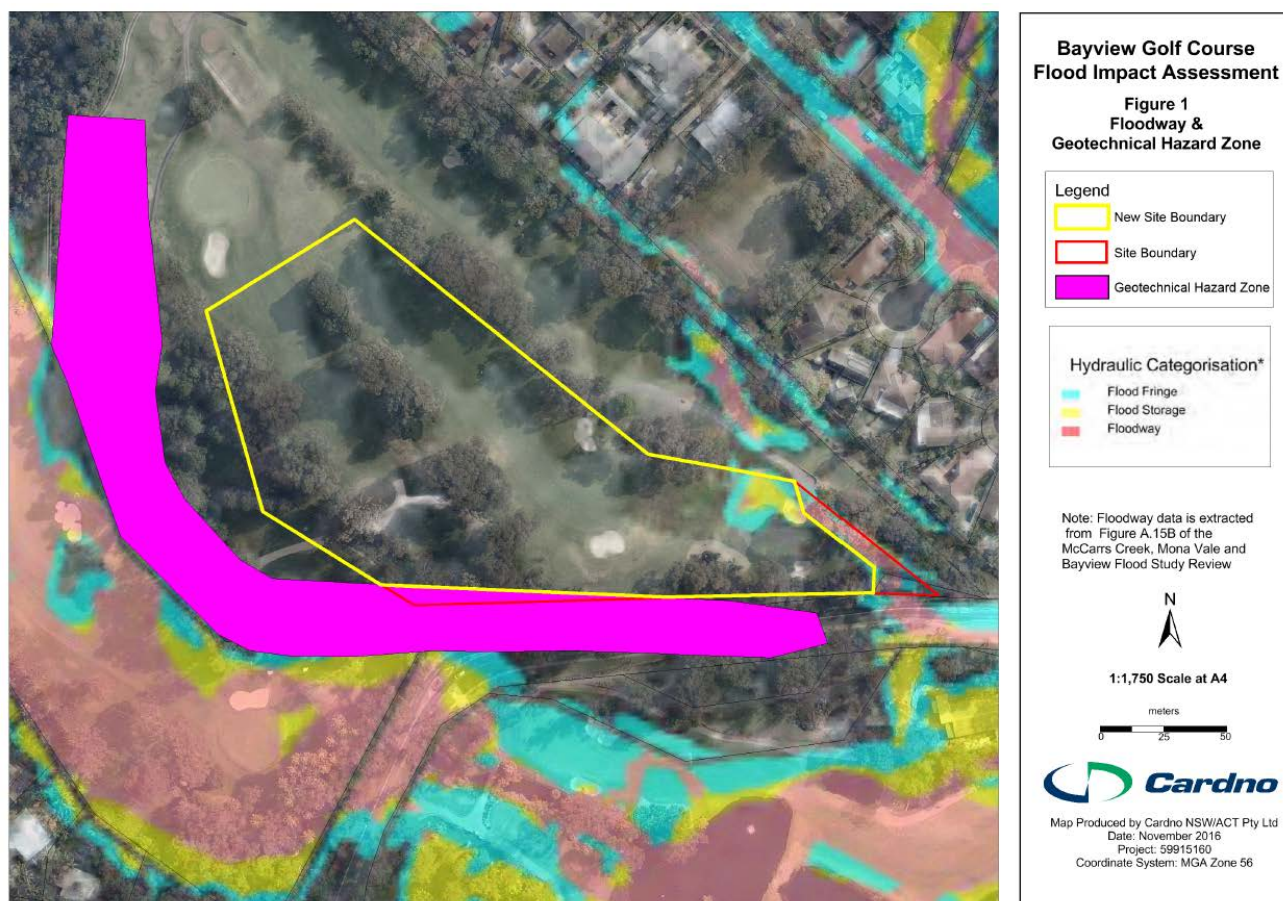


Figure 20 – Extract from Cardno Report dated 17 November 2016 illustrating misaligned development footprint boundary

Source: Cardno

However, the modified boundary in the above plan was in the wrong location and did not reflect the correct boundary location as defined in all other submitted documents supporting the SCC at the time. This is evident by the plan in **Figure 21** below. The Cardno plan does not align to any boundaries, contains no co-ordinates, dimensions or survey locations, and it is evident that it has been mistakenly rotated. This however was not evident on initial inspection.

On 20 February 2017, DPE requested an updated, simplified version of the Cardno figure referenced above. It was not made explicit to the applicant how this figure was to be utilised. On 21 February 2017, the applicant provided that figure back to DPE, and the figure was then referenced in Condition 1 of Schedule 2 of the SCC.

The figure Cardno prepared showed the boundary in the incorrect location, inconsistent with the boundary location shown in each of the plans prepared by Marchese and the entire consultant team at the time. Whilst the boundary does not align, and therefore, part of the proposed development is outside the 'proposed amended SCC boundary', importantly, the actual proposed development parcel is smaller than that shown in the Cardno plan. Clearly the intent was to constrain development and this objective is being preserved.

Furthermore, whilst the applicant welcomed a condition to ensure the seniors housing would not be proposed over geotechnical land or flood impacted land, the applicant was not aware that the Cardno plan would be used to determine the 'development footprint area'.



Figure 21 – Plan illustrating the misaligned Cardno boundary (yellow), which is referenced in the Condition 1 of Schedule 2 of the SCC

Source: Marchese Partners

Proposed Revised Building Footprint Boundary

To rectify this issue, the SCC amendment application seeks to replace the existing development footprint boundary referenced in Condition 1 of Schedule 2 of the SCC with an updated building footprint boundary, as shown in **Figure 22** below.



Figure 22 – Proposed Revised Building Footprint Area Boundary

Source: Marchese Partners

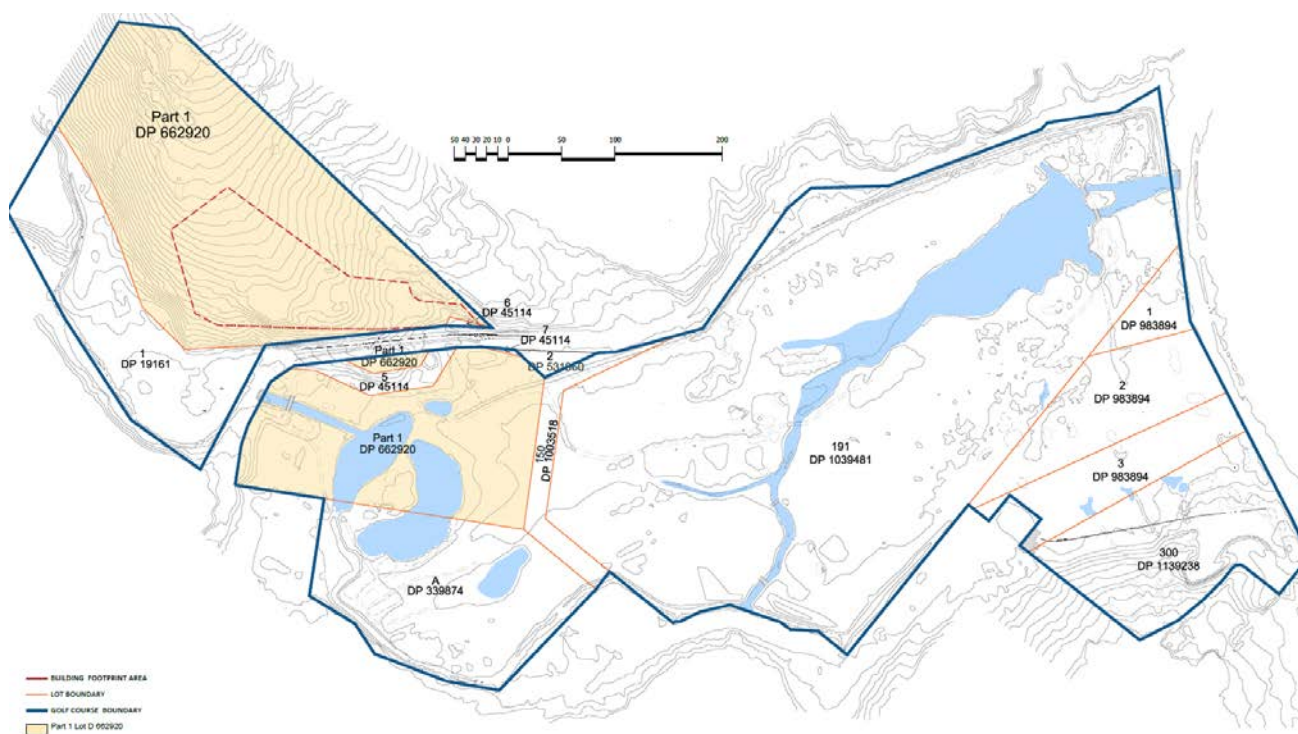


Figure 23 – Site plan

Source: Marchese Partners

4.0 Statutory Framework

This section considers the planning issues relevant to the proposed development concept and provides an assessment of the relevant matters prescribed within the Seniors Housing SEPP, SEPP 65 and the Pittwater LEP.

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

4.1.1 Application of Seniors Housing SEPP

Clause 4(1) of the Seniors Housing SEPP identifies land to which the SEPP applies, being land within NSW that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(b) the land is being used for the purposes of an existing registered club.

The Site is being used for the purposes of a golf course and an existing registered club, (being Bayview Golf Club), which is an existing registered club as defined in the Seniors Housing SEPP:

existing registered club means a registered club in existence on land immediately before the date on which State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2) commences.

registered club means a club in respect of which a certificate of registration under the Registered Clubs Act 1976 is in force.

The proposed activity is for 'serviced self-care housing' which under Section 42 'Serviced self-care housing' can be carried out on land that adjoins land zoned primarily for urban purposes.

Given that most of the land surrounding the Site and the broader RE2 Private Recreation zoned golf course is zoned R2 Low Density Residential under the Pittwater LEP 2014, the Site can be considered as being land zoned primarily for urban purposes. Therefore, the Seniors Housing SEPP applies. Furthermore, the Site is not identified as environmentally sensitive land within the meaning of Schedule 1. These matters are dealt with in detail by law firm Mills Oakley in its letter set out in **Appendix L**.

4.1.2 Requirement for Site Compatibility Certificate

Clause 24 applies to a DA made for the purposes of seniors housing if the development is proposed to be carried out on land that is used for the purposes of an existing registered club and/or land that adjoins land zoned primarily for urban purposes. Clause 24(2) outlines that a consent authority must not consent to a DA to which Clause 24 applies unless it is satisfied that the Sydney North Planning Panel has certified in a current site compatibility certificate that, in the panel's opinion:

*(a) the site of the proposed development is suitable for more intensive development, and
(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

Accordingly, this SCC amendment application has been prepared to demonstrate that the proposed amendments do not change the fact that the Site of the proposal is suitable for more intensive development, and that the proposal is compatible with the surrounding environment.

Clause 25(5)(a)-(b) of the Seniors Housing SEPP lists a number of criteria which the panel must have regard to when issuing an SCC. These criteria have been listed and addressed in **Section 7.1** of this report insofar as they relate to the proposed amended SCC.

Clause 26 also states that the panel may refuse to issue an SCC if the panel considers that the development is likely to have an adverse effect on the environment. The proposed concept will not have an adverse effect on the environment, as outlined throughout this report, and also addressed in **Section 6.3**.

4.1.3 Consistency with Aims of the Seniors Housing SEPP

Clause 2(1) of the Seniors Housing SEPP identifies the following aims of the Policy. It states as follows:

This Policy aims to encourage the provision of housing (including residential care facilities) that will:
(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
(b) make efficient use of existing infrastructure and services, and
(c) be of good design.

The Seniors Housing SEPP identifies a number of means to achieve these objectives, which are contained in the subsequent Clause 2(2). Specifically:

(2) These aims will be achieved by:
(a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and
(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and
(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

The proposal is consistent with the aims of the Seniors Housing SEPP as it will:

- Provide for 85 serviced self-care residential apartments, increasing the supply and diversity of residences which meet the needs of seniors or people with a disability within the Northern Beaches LGA;
- The Site of the proposal enjoys good access to local services and therefore, the proposed seniors housing development is well located and will make efficient use of existing infrastructure and services;
- The proposed concept is of a high-quality design, with oversized living units, and has been designed to maximise the amenity of future residents with regards to solar access, permeability, cross ventilation and walkability to ancillary services included within the development.

A project viability statement has been prepared by Waterbrook which provides:

- A community benefit statement;
- Comment on the project's economic viability;
- A demographic analysis and demand assessment;
- An assessment of Pittwater's growth and utilisation of housing stock; and
- An assessment of the need and demand for the project.

This can be viewed in **Appendix J** of this report.

Table 3 below details compliance with the Seniors SEPP.

Table 3 Assessment against the Seniors SEPP provisions

Provision	Response
Part 2 Site Related Requirements	
26 Location and access to facilities	The proposal complies with the requirements of Clause 26 with regards to access to facilities. Refer to Section 7.2 .
27 Bush fire prone land	The proposal is compliant with the regulation regarding bush fire prone land, as discussed in Section 6.5 .
Clause 33 – Neighbourhood Amenity and Streetscape	
<i>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i>	The proposed development has been designed having regard to the desirable elements of the location's existing character, being a landscaped, recreational area. The result is a development which is compatible with the surrounding recreational land (golf course) and which is distinct in its incorporation of a prominent landscape concept.
<i>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,</i>	There are no heritage conservation areas in proximity of the site.
<i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site's land form, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> <i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i>	The proposed seniors housing development has been designed and sited to maintain neighbourhood amenity and appropriate residential character for the site by: <ul style="list-style-type: none"> • Providing significant setbacks to the nearest adjoining development, resulting in no overshadowing or bulk and scale impacts; • Stepping the building form in such a way that the proposal relates to the site's sloping land form; • Providing the lower scale components of the development nearest to the road frontage, thereby minimising the perceived height of the proposal; and • Not locating buildings adjacent to boundaries.
<i>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i>	Whilst there is no existing building line along this portion of Cabbage Tree Road (i.e. for that component which forms the golf course), the proposed front building line is set back substantially from the building line of residential development to the east. This is considered appropriate as the development responds to ecological and topographical constraints at the street frontage which prevent it from being located closer to the street. This arrangement also minimises the visual impact of the proposal by ensuring its perceived bulk and scale from the public domain is minimised and is in sympathy with the surrounding development frontages and landscape setting.
<i>e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i>	The proposal is founded on a combined landscaping and ecology strategy which builds on the heavily landscaped character of the streetscape along Cabbage Tree Road and the locality of Bayview.
<i>(f) retain, wherever reasonable, major existing trees, and</i>	The proposal seeks to retain, wherever possible, major existing trees which are located on the golf course. Whilst there are some trees proposed to be removed, the ecological value of the site and golf course will increase with the proposal as a result of the replacement conservation linkages proposed as part of a whole of golf course conservation strategy.
<i>(g) be designed so that no building is constructed in a riparian zone.</i>	No building is proposed in any riparian zone.

Provision	Response
Clause 34 – Visual and Acoustic Privacy	
The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:	
(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping,	The built form has been suitably screened from nearby residences through appropriate site planning, with a significant setback provided to adjoining sites. Landscaping has been proposed in a manner that will largely ensure that the development remains unobtrusive when viewed from adjoining residential sites and from Cabbage Tree Road.
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Only Blocks A and B are located in an area adjoining the entry road, with parking located underground. The Noise Impact Assessment (Appendix M) demonstrates that the noise from cars entering/exiting the development will comply with the relevant noise emission criteria.
Clause 35 – Solar Access and Design for Climate	
(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and	The seniors housing will not reduce the daylight levels of nearby residences.
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction	The seniors housing has been planned and designed in a manner ensuring that 75.3% of the apartments receive more than 2h solar and cross ventilation (over 98% of the apartments).
Clause 36 – Stormwater	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas,	Local overland flow paths are to be managed in and around the area of development works as described in the Civil Engineering package prepared by Marchese Engineering (Appendix C and Appendix N). There will be no negative impacts or disturbance to any adjoining sites.
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	On site stormwater detention is to be provided in accordance with Northern Beaches Council requirements. Specifically, a detention tank will be constructed below the proposed driveway and landscaping, in the lower part of the development.
Clause 37 – Crime Prevention	
(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	Natural surveillance and territorial reinforcement have been considered as part of the overall design.
(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	
(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	
Clause 38 – Accessibility	
The proposed development should:	
(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and	A continuous path of travel for pedestrian access will be made available via ramps from the main entry lobby of each building through to Cabbage Tree Road and the bus stop on Annam Road. Pedestrian crossing areas across Cabbage Tree Road are included in the design of the roundabout for both golfers and pedestrians generally.
(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Site access will be provided via a new road connecting to Cabbage Tree Road. A roundabout will be developed on this section of Cabbage Tree Road ensuring effective traffic management and appropriate site access (refer to the Traffic Report in Appendix O).
Clause 39 – Waste Management	
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities	A garbage/services area is provided below Building B within the basement.

Provision	Response
	The Waste Management Plan prepared by Waste Audit and Consultancy Services (Appendix P) details how waste will be managed within the development so as to maximise recycling and reduce the amount landfilled.
Clause 40 – Development Standards	
Site Size – Minimum 1,000sqm	Compliant. The site is significantly larger than 1,000sqm.
Site Frontage – Minimum 20m	Compliant. The frontage to Cabbage Tree Road is approximately 190 metres.
Height zones where residential flat building are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: <ul style="list-style-type: none"> the height of all buildings in the proposed development must be 8 metres [as defined within the Seniors Housing SEPP] or less, and a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and a building located in the rear 25% area of the site must not exceed 1 storey in height. 	Not applicable. The development is not proposed in a residential zone. Therefore, this control does not apply.
Clause 50 – Standards that cannot be used to refuse development consent for self-contained dwellings	
Note: The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent	
(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	Buildings heights are above 8 metres.
(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The floor space ratio — when calculated under the Seniors Housing SEPP — is 0.19:1. This means that a consent authority must not refuse development consent to the development application on the grounds of density and scale.
(c) landscaped area: if: (i) in the case of a development application made by a social housing provider – a minimum of 35 square metres of landscaped area per dwelling is provided; or (ii) in any other case – a minimum of 30% of the area of the site is to be landscaped	Compliant. As the site area of the proposal is the entire golf course, it is self-evident that the proposal achieves well in excess of 30% landscaped area. Within the proposed building footprint area, the landscaped area is approximately 9,689sqm, being 52% of the proposed building footprint area.
(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,	Compliant. As the site area of the proposal is the entire golf course, it is self-evident that the proposal achieves well in excess of 15% deep soil. Within the proposed building footprint area, the deep soil is approximately 4,658.43sqm, being 25% of the building footprint area.
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The seniors housing has been planned and designed in a manner ensuring that 75.3% of the apartments receive more than 2h solar and cross ventilation (over 98% of the apartments).
(f) private open space for in-fill self-care housing: if: (i) in the case of a single storey dwelling or a dwelling that is located wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length of depth and that is accessible from a living area,	Compliant.

Provision	Response
<p>(d) parking: if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p>	<p>Based on 231 bedrooms, 116 car spaces must be provided. 161 car parking spaces are proposed.</p> <p>The proposal is compliant.</p> <p>Waterbrook are not a social housing provider.</p>

4.1.4 Care Delivery – Serviced Self-Care Housing

On-site services will be provided as per the SEPP Requirements. Clause 15 of the Seniors SEPP states:

In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Clause 74 of the Seniors SEPP then goes on to state:

- (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:
 - (a) Home delivered meals, and
 - (b) Personal care and home nursing, and
 - (c) Assistance with housework.
- (2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under the Home and Community Care Program administered by the Commonwealth and the State.
- (3) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes, unless it is satisfied that the development will result in 70 or more dwellings (whether because of a new development or additions to an existing development) for use as serviced self-care housing.

As noted, in Bayview Care Delivery Overview (**Appendix Q**), the following services are provided on-site by Waterbrook:

- 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,
- Assistance with housework through on-site Housekeeping Services 6 days a week.

Further, Land & Environment Court precedence in *Information Gateways Pty Ltd v Hornsby Shire Council* [2005] NSWLEC 242, notes that, in respect of the provision of on-site services for serviced self-care housing on land that adjoins land zoned primarily for urban purposes, the proposed development provides the following:

- The services are provided by the proponent.
- The services are available on the site.
- The provision of the services is part of the development.
- The residents have reasonable access to the services 7 days a week (except housekeeping for 6 days a week).
- The applicant does not rely on services provided by the Home and Community Care (HACC) program.

The key requirement of the Seniors SEPP is that the servicing arrangements are “part of the development”, which is the case in the matter of Waterbrook developments.

4.2 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposed development has been designed to provide all dwellings with a high quality of internal amenity and outlook. As outlined in the SEPP 65 Report (**Appendix E**), the proposal has been designed in accordance with the nine principles of SEPP 65. Of particular relevance to the assessment of development applications is Parts 3 and 4 of the ADG.

An assessment of the proposal's compliance with the ADG is provided in **Table 4**. The instances where an alternative solution is proposed are discussed further below.

Table 4 ADG Assessment

Design Criteria			Assessment
Part 3 Siting the Development			
3D Communal and Public Open Space			
<i>Objective</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping			✓
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site			✓ Over 27% over the building footprint area is for communal open space.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)			✓
3E Deep Soil Zones			
<i>Objective</i> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.			✓
<i>Design Criteria</i> Deep soil zones are to meet the following minimum requirements:			✓ Over 25% over the building footprint area is deep soil.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650sqm	-	7%	
650sqm – 1,500sqm	3m		
Greater than 1,500sqm	6m		
Greater than 1,500sqm with significant existing tree cover	6m		
3F Visual Privacy			
<i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.			✓
<i>Design Criteria</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Separation between buildings is generally between 8m-9m, with interfaces of buildings designed to ensure visual privacy is maintained between buildings.
Building Height	Habitable rooms and balconies	Non-habitable rooms	
Up to 12m (4 storeys)	6m	3m	
Up to 25m (5-8 storeys)	9m	4.5m	
Over 25m (9+ storeys)	12m	6m	

Design Criteria	Assessment										
3J Bicycle and Car Parking											
<p><i>Objective</i> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>	✓										
<p><i>Design Criteria</i> For development in the following locations: on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.</p>	Not applicable.										
Part 4 Designing the Buildings											
4A Solar and Daylight access											
<p><i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>	✓										
<p><i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p>✓ The seniors housing has been planned and designed in a manner ensuring that 75.3% of the apartments receive more than 2h solar and cross ventilation (over 98% of the apartments).</p>										
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	✓										
4B Natural Ventilation											
<p><i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p>	✓										
<p><i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p>✓ Approximately 98% of units are cross ventilated.</p>										
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	<p>✓ Generally complies</p>										
4C Ceiling Height											
<p><i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access</p>	✓										
<p><i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <tr> <th colspan="2">Minimum ceiling height</th></tr> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	✓
Minimum ceiling height											
Habitable rooms	2.7m										
Non-habitable	2.4m										
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area										
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope										

Design Criteria		Assessment
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	
These minimums do not preclude higher ceilings if desired.		
4D Apartment Size and Layout		
Objective The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		✓
Design Criteria Apartments are required to have the following minimum internal areas:		✓
Apartment Type	Minimum internal area	
Studio	35sqm	
1 bedroom	50sqm	
2 bedroom	70sqm	
3 bedroom	90sqm	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.		
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		✓
Objective Environmental performance of the apartment is maximised		✓
Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		✓
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		✓
Objective Apartment layouts are designed to accommodate a variety of household activities and needs		✓
Design Criteria Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).		✓
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		✓
Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments		✓
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		✓
4E Private Open Space and Balconies		
Objectives Apartments provide appropriately sized private open space and balconies to enhance residential amenity		✓
Design Criteria All apartments are required to have primary balconies as follows:		✓
Dwelling Type	Minimum Area	Minimum internal area
Studio apartment	4sqm	-
1 bedroom apartment	8sqm	2m
2 bedroom apartment	10sqm	2m
3+ bedroom apartment	12sqm	2.4m
The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m.		✓
4F Common Circulation and Spaces		
Objective Common circulation spaces achieve good amenity and properly service the number of apartments		✓

Design Criteria	Assessment										
Design Criteria The maximum number of apartments off a circulation core on a single level is eight.	✓										
4G Storage											
Objective Adequate, well designed storage is provided in each apartment	✓										
Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1"> <thead> <tr> <th>Dwelling Type</th><th>Minimum Area</th></tr> </thead> <tbody> <tr> <td>Studio apartment</td><td>4sqm</td></tr> <tr> <td>1 bedroom apartment</td><td>6sqm</td></tr> <tr> <td>2 bedroom apartment</td><td>8sqm</td></tr> <tr> <td>3+ bedroom apartment</td><td>10sqm</td></tr> </tbody> </table>	Dwelling Type	Minimum Area	Studio apartment	4sqm	1 bedroom apartment	6sqm	2 bedroom apartment	8sqm	3+ bedroom apartment	10sqm	✓
Dwelling Type	Minimum Area										
Studio apartment	4sqm										
1 bedroom apartment	6sqm										
2 bedroom apartment	8sqm										
3+ bedroom apartment	10sqm										
At least 50% of the required storage is to be located within the apartment.											

4.3 Pittwater Local Environmental Plan 2014

The *Pittwater Local Environmental Plan 2014* is the primary local environmental planning instrument controlling development on the site. The site is zoned RE2 Private Recreation under the Pittwater LEP 2014.

As discussed, Bayview Golf Course is zoned RE2 Private Recreation. Whilst the Seniors Housing is made permissible only through the Seniors Housing SEPP, the amended scheme has been revised to achieve compliance with the applicable development standards – particularly the Height of Buildings control.

It should be noted that the LEP objectives are set aside by the operation of the Seniors SEPP, as per Clause 2(2)(a) of the SEPP. Clause 2(2)(a) is given operation effect by clause 15(b) of the SEPP which says that Chapter 3 “allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: ... development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing ... (emphasis added).”

The relevant planning considerations under the Pittwater LEP 2014 are listed below in **Table 5**.

Table 5 Development controls under the Pittwater LEP 2014

Control	Pittwater LEP 2014
Zone Objectives RE2 – Private Recreation	<ul style="list-style-type: none"> To enable land to be used for private open space or recreational purposes. to provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. To allow development of a scale and character that is appropriate to the nature of its recreational use and is integrated with the landform and landscape.
Permissible Uses	The following land uses are permitted with consent in the RE2 zone: <ul style="list-style-type: none"> Community facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered Clubs; Roads; Signage.

Control	Pittwater LEP 2014
Clause 4.1 – Minimum allotment size	N/A
Clause 4.3 – Height of buildings	8.5 metres. The proposal has been amended to comply with this local provision.
Clause 4.4 – Floor space ratio	N/A
Clause 7.1 – Acid Sulfate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is classified as Class 5 and Class 2.
Clause 7.3 – Flood planning	<p>The objectives of this clause are as follows:</p> <p><i>to minimise the flood risk to life and property associated with the use of land,</i> <i>to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i> <i>to avoid significant adverse impacts on flood behaviour and the environment.</i></p> <p>The Clause applies to land at or below the flood planning level, which is defined as:</p> <p><i>flood planning level</i> means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard determined by an adopted floodplain risk management plan.</p> <p>Development Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p><i>is compatible with the flood hazard of the land, and</i> <i>will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i> <i>incorporates appropriate measures to manage risk to life from flood, and</i> <i>will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i> <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i></p>
Clause 7.4 – Floodplain risk management	<p>The objectives of this clause are as follows:</p> <p><i>in relation to development with particular evacuation or emergency response issues – to enable evacuation of land subject to flooding in events exceeding the flood planning level, to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.</i></p> <p>Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land.</p>

5.0 Strategic Justification

5.1 Relationship with regional and local strategies

5.1.1 Greater Sydney Region Plan

The Greater Sydney Commission (GSC) has released the Greater Sydney Regional Plan A Metropolis of Three Cities which is a revision to A Plan for Growing Sydney. The Plan sets a 40-year vision (up to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters.

The GSC's vision seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three 30-minute cities including the Western Parkland City, the Central River City and the Eastern Harbour City. The site is located within the Northern Beaches LGA which is within the Eastern City and the Northern District.

By delivering a high-quality seniors housing development, the proposed development aligns with the following objectives:

- Objective 7 – Communities are healthy, resilient and socially connected
- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable
- Objective 30 – Urban tree canopy cover is increased

5.1.2 North District Plan

The North District Plan supplements the Greater Sydney Region Plan and sets out the planning priorities and actions for the District. The North District covers Northern Beaches local government area. As the broader District continues to grow over the next 20 years there will be a demand for 92,000 dwellings. The North District plan states:

The District is expected to see an 85 per cent proportional increase in people aged 85 and over, and a 47 per cent increase in the 65–84 age group is expected by 2036. This means 20 per cent of the District's population will be aged 65 or over in 2036, up from 16 per cent in 2016.

It further states that Northern Beaches Council will be one of the largest projections in the 65-84 age groups. This recognises the need for more diverse housing types and walkable neighbourhoods along with coordinated and additional health, social and aged care services.

A key action in the Plan, of which the end subject proposal, will align is:

- Planning Priority N3: *Providing services and social infrastructure to meet people's changing needs*
- Planning Priority N5: *Providing housing supply, choice and affordability, with access to jobs, services and public transport*

In accordance with the Plan, multi-unit dwellings can provide important housing for seniors. Council's future housing strategy is to recognise **diversity**: *including a mix of dwelling types, a mix of sizes, universal design, seniors and aged care housing, student accommodation, group homes, and boarding houses.*

A Plan aims to deliver better access to a variety of housing choice and create liveable and sustainable communities. This relates to the need to facilitate an adequate supply and mix of housing to make it easier for existing residents to age in place and for new residents to enter the market.

There is an identified need for seniors housing to be within an accessible distance of services located within these types of centres as outlined in SEPP (Housing for Seniors and People with a Disability).

5.1.3 SHOROC “Shaping our Future”

“*Shaping Our Future*” is an integrated, regional strategy which establishes the long-term directions for 2010 to 2031 for the SHOROC region, which encompasses the Northern Beaches and Mosman Council areas. A partnership document, it outlines how SHOROC Councils will work collectively to facilitate a more coordinated and cooperative regional inter-governmental approach. Major challenges as identified for the region by SHOROC Councils are listed below:

- Housing;
- Jobs and business (including employment);
- transport connectivity and accessibility;
- Health;
- Changing demographics and ageing;
- Environment/sustainability, including climate change;
- Liveability – densities, jobs, access to social services and infrastructure.

As it relates to housing, the former Pittwater Council made the commitment to provide an additional 9,500 dwellings with a mix of housing types and choice in response to demographic changes, with appropriate levels of diversity and affordability to attract low and moderate income workers.

5.1.4 Pittwater 2020 Strategic Plan

The 2020 Strategic Plan informs all major decisions and activities of Council, aimed at providing a coordinated guide to development activities of Council to 2020 and beyond. As it relates to proposal, the Strategic Plan contains key directions to support the community vision. These are:

- Supporting and Connecting our Community;
- *Valuing and Caring for our Natural Environment;*
- *Enhancing our Working and Learning;*
- *Leading an Effective & Collaborative Council;*
- *Integrating our Built Environment.*

In particular, Council seeks to improve the mix of land use and development by exploring opportunities for diversity of housing to meet a range of needs and ensure that land use caters for all community needs, including that of seniors housing developments. In this respect, the proposal responds to the Key Direction 5 through the provision of additional forms of a diverse range of seniors housing accommodation in an accessible location and to meet the needs of both seniors and/or people with a disability.

5.1.5 Pittwater Local Planning Strategy – Planning for Pittwater towards 2031

The intent of the Pittwater Local Planning Strategy is to ‘establish an equitable, consistent and transparent policy framework for local level planning that will guide land use planning and decision-making into the future’. The Strategy follows a review of all key Federal, State, Regional and Subregional and Local strategy documents relevant to land use and development within Pittwater and has the following key objectives:

- Guide future planning decisions
- *Realise the community’s shared vision;*
- *Create a more sustainable future;*
- *Respond to State planning directions in accordance with Section 117 of the EP&A Act;*
- *Guide the preparation of the Pittwater Standard Instrument LEP; and*
- *Facilitate the achievement of the Pittwater 2020 Strategic Plan.*

5.2 Public Interest Reasons for Applying for Seniors Housing in this Locality

The proposal is anticipated to result in the delivery of housing for seniors on a site which is deemed to be compatible with the existing surrounding infrastructure and development. As demonstrated by the consultant reports appended to this application, the proposal will result in the following community benefits to both future intended occupants as well surrounding residents:

- Provision of an increased supply and diversity of residences that meets the needs of seniors and/or people with a disability on land which is being used for the purposes of an existing registered club;
- Contribution to the ongoing viability of a publicly accessed recreation facility, being the Bayview Golf Club;
- Improved environmental outcomes for the site and surrounds, through amendments to the lower golf course providing a more natural creek line, with natural estuarine vegetation to line the creek, allowing for an improved fauna passage through the golf course and offsetting any proposed tree removal;
- The site is capable of accommodating seniors housing in an appropriate location without causing risk to human life as a result of flooding or bushfire.

5.3 Adequacy of Services and Infrastructure

5.3.1 Access to Services

Mona Vale Town Centre is located approximately 2kms east of the site and contains a range of retail, community and medical services including a newsagency, supermarket, retail, restaurants and a café, dental and medical services as well as a pharmacy, physiotherapy and banking services.

5.3.2 Infrastructure Provisions

The proposed seniors housing may require services and utilities in the surrounding area to be relocated, altered, augmented or protected in order to implement the envisaged development. A strategy for works to these services and utilities may be required are set out in the Preliminary Servicing Strategy prepared by Martens (refer to **Appendix R**).

5.4 Continued Use as a Club Site

The diversification of uses (including the provision of seniors housing) and broader site upgrades is necessary to allow for the continued financial viability of the club.

The club is committed to continuing to provide recreational facilities to its members and the wider community through the provision of the golfing facilities and food offering, providing a bistro, bar facilities, and functions. The Club also sponsors local community groups.

The proposed seniors living component of the development, and the distinctly separate function of both the club use and the seniors housing will not result in any impact on the future use of the site for registered club and community uses, indeed, the reconfigured 18-hole golf course will still meet modern playing standards and will, as a result of significant investment in groundworks and riparian renewal, will increase its playability.

6.0 Matters for Consideration

The proposed concept has been developed having regard to the reasons for refusal of the DA2017/1274. These form the key matters for consideration in the assessment of a future application and have been addressed below.

6.1 Built Form

The built form of the proposed seniors housing has been refined to address the concerns of Council and the Sydney North Planning Panel (SNPP) following the refusal of DA2017/1274 (presently under appeal in the Land and Environment Court). In particular, the SNPP noted the following in their determination:

“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 by Clause 33 (a) of SEPP HSPD. This fails the principles of context and neighbourhood character, built form, scale, density, landscaping, amenity and aesthetics of State Environmental Planning Policy 65”.

The proposed Seniors Housing development has been amended, with an overall reduction in height and total number of units. All buildings are of 3 storeys or less, and all are compliant with the 8.5 metre LEP Height of Building control. The fourth storey on Buildings E and F has been removed whilst all other buildings have been reduced in height. This ensures that the development is compatible with surrounding development and consistent with the desired future character of the locality.

The building form remains as seven separate building elements to break up the massing of the development and enable the buildings to respond to the site’s sloping topography, however the ground floor units connecting Blocks A and B, Blocks C and D, as well as E and F have been removed, to increase separation between the buildings and provide visual breaks between the built form. The removal of these units will allow views and greater visual connectivity through the site to the golf course.

Included in the SNPP’s Determination and Statement of Reasons, it was noted that Panel member Sue Francis sought to defer the application subject to the following amendments being made to the design:

- Reduction in the length of the built forms with consequential increase in the ‘gaps between buildings’;
- Reduction in the extent of excavation for basement parking and a reduction in car parking to be consistent with the Seniors SEPP; and
- Reduction in height so that no building is higher than 3 storeys.

These recommendations have been taken on board as part of the revised design of the Seniors Housing development. In particular the amended design incorporates:

- Reduced building lengths with the removal of the ground floor units connecting Blocks A and B, Blocks C and D, as well as E and F;
- Reduced basement excavation associated with the reduction in basement car parking;
- The removal of the fourth storey from Buildings E and F to ensure no building is higher than 3 storeys; and
- A reduction in the overall height of the buildings and lowering of buildings to ensure the entire development sits below the 8.5 metre height limit under the LEP.

The result of these amendments is:

- a development which is now compatible with the surrounding context to an even greater degree than the previous proposal in regard to building heights (discussed further in **Section 6.12** below);
- a proposal which further reduces visual impacts from neighbouring property;
- a proposal which has no direct impacts of any consequence on the amenity of neighbouring property (with regards to overlooking, shadows, privacy, and the like).

6.2 Landscaping

A Landscape Report has been prepared (**Appendix B**). The proposal is to locate the seniors housing between fauna corridors and allow for the creation of an extensively landscaped building footprint. An extract from the landscape plan is included in **Figure 24**.

The development will be extensively landscaped to reflect the Waterbrook brand with the heights proposed ensuring all building elements will sit below the surrounding tree canopy level and within a highly landscaped setting. Materials such as natural stone, timber features and a recessive colour palette are intended to blend the design into the natural surroundings and context. The landscape strategy can be summarised as comprising of the following key components:

- A built form that sits in 'the green landscape';
- Creating fauna corridors;
- Level changing, layered experience;
- Contemporary high-end finishes;
- Water; and
- Wayfinding throughout the site.

External to the seniors housing, it is proposed to align the landscaping with the ecologist's findings (**Appendix I**), allowing for the creation of fauna corridors through the wider golf course site. These corridors will create visual buffers of the seniors housing to the existing residents and users of the golf course, allowing the development to sit within the existing landscape with minimal visual impact from neighbouring properties and Cabbage Tree Road. This will directly align with the key strategy of providing for a development that sits in the green landscape. A 5 year visual representation of the landscaping has been modelled by Virtual Ideas in the View Analysis included in **Appendix S**.



Figure 24 – Overall landscape plan

Source: Site Design + Studios

6.3 Biodiversity and Vegetation Clearing

A Biodiversity Assessment has been prepared by Anne Clements and Associates, which addresses the biodiversity impacts associated with the amended proposal. The report includes a Vegetation Management Plan (VMP) which aims to:

- increase the size and connectivity of the conservation linkages / wildlife corridors; and
- increase the ecological sustainability of the golf course.

The VMP notes that these aims are to be achieved through the design and construction of works to protect and enhance existing water flow, water quality, stream ecology and existing remnant vegetation, as well as enhance the hydrologic, hydraulic and geomorphic functions of the watercourses.

The assessment identifies that the amended proposal will result in less impacts on biodiversity than the previous proposal, given the reduction in proposed tree removal from 153 trees to 140 trees associated with the seniors housing development. The loss of 0.43 ha of between-fairway vegetation with mown understorey is being offset by an increase of native flora and habitat from approximately 6.86 ha to more than 15 ha.

Most of the proposed increase in the natural vegetation is from the restoration and re-establishment of the listed endangered Coastal Floodplain communities under the NSW *Threatened Species Conservation Act 1995*.

6.3.1 Assessment of Significance

As the initial DA was submitted on 17 December 2017, prior to the commencement of the new *Biodiversity Conservation Act 2016*, it constitutes a 'pending or interim planning application' as defined under Part 7, Clause 27 (1) (e) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. Part 7, Clause 28 of the regulation identifies that the application is to be assessed under the former planning provisions which include Section 5A of the NSW EP&A Act.

Accordingly, an assessment of significance has been undertaken using the 7-part test for the threatened flora and fauna species and ecological communities considered likely to occur on the land. From applying the 7-part test, it was concluded that the proposal is not likely to significantly impact these threatened species nor communities (two plant species, 11 mammals (including 9 bats), 14 birds (including 3 migratory birds), one amphibian and two ecological communities). No Species Impact Statements are required for the Powerful Owl, nor for any other threatened species, nor the threatened two ecological communities.

6.3.2 Pittwater LEP Clause 7.6 Compliance

The Council's Notice of Determination noted that the proposed development failed to comply with Clause 7.6 of the Pittwater LEP. This was on the basis that a large number of significant mature trees require removal within the development footprint, which are considered to have a high ecological value and contribute to canopy connectivity within a mapped wildlife corridor. This has been addressed in the Biodiversity report prepared by Anne Clements and Associates in detail. In summary:

- The loss of 0.43 ha of between-fairway vegetation with mown understorey is being offset by an increase of native flora and habitat from approximately 6.86 ha to more than 15 ha.
- Most of the proposed increase in the natural vegetation is from the restoration and re-establishment of the listed endangered Coastal Floodplain communities under the NSW *Threatened Species Conservation Act 1995*.
- The tree loss (which has been reduced as part of the amended design) associated with the construction of the seniors housing, fairway upgrades and infrastructure will be offset approximately 100 fold by planting of more than 3,000 trees in the conserved and enhanced wildlife corridors. The outcome will be an increase of native vegetation from 6.85 ha of degraded fragmented patches to more than 15 ha of unfragmented wildlife corridors.
- The proposal meets the objectives of Clause 7.6 in that:
 - the aims of the proposal include increasing the size and connectivity of the conservation linkages / wildlife corridors and increasing the ecological sustainability of the golf course.

- It involves protecting native fauna and flora and enhancement of their habitat for their continued existence, consistent with recovery plans and the Saving our Species strategies.

6.3.3 Pittwater DCP Clause B4.6 and B4.22 Compliance

The Council's Notice of Determination noted that the proposed development failed to comply with Clause B4.22 Preservation of Trees and Bushland Vegetation and Clause B4.6 Wildlife Corridors of the Pittwater DCP 21. Both these clauses have been addressed in the Biodiversity Report with regard to the amended proposal. The proposal complies with both these Clauses, as follows:

- The Bayview Golf Course (BGC) land has an historically highly modified landform, vegetation and drainage pattern for maximising its use as an 18-hole golf course. Native vegetation is largely restricted to reduced, depauperate and degraded patches with the exception of the steep land in the north-west.
- These remnant native vegetation patches generally occur as narrow strips adversely impacted by the adjoining residential development close to the BGC property boundaries.
- The extensively cleared golf course land is considered a blockage to fauna movement in Pittwater Council's *Habitat and Wildlife Corridors Conservation Strategy*. It is a high priority area essential to fauna movement and is recommended that thickening of the fairway vegetation is required to improve wildlife connectivity.
- The wildlife corridor across the BGC land will be enhanced as a result of proposed increased environmentally sustainable development. Thickening of between fairway vegetation and planting in new areas will help establish the wildlife corridor and also provide an adequate buffer.
- The proposal does not significantly impact and/or reduce/degrade habitat for locally native species, threatened species, endangered populations or endangered ecological communities.
- The wildlife corridor across the BGC land will be enhanced as a result of proposed increased environmentally sustainable development. Thickening of between fairway vegetation and planting in new areas will help establish the wildlife corridor and also provide an adequate buffer.
- The proposed development seeks to conserve, enhance and re-establish habitat and wildlife corridors across the golf course, through the implementation of the VMP, providing new corridors and improving existing ones.
- The proposal is specifically designed to enhance and maximise linkages within the wildlife corridor through thickening of between-fairway vegetation and connecting existing patches.

The assessment concludes that the environmental impacts of the proposal are acceptable subject to the implementation of the recommendations of the VMP.

6.3.4 Permissibility

Clause 7.6 of the Pittwater LEP maps the site as "Biodiversity", being a site of either terrestrial, riparian and/or aquatic biodiversity. The description and classification of this site as biodiversity does not result in the site being 'environmentally sensitive land' within the meaning of Schedule 1 of the Seniors Housing SEPP. Mills Oakley have previously provided legal opinion that confirms that Schedule 1 is not applicable on the basis of Clause 7.6 (**Appendix T**).

Descriptions within Schedule 1 (which would preclude the development of the site) which are considered similar to the term 'biodiversity' are "conservation" and "environment protection". However, Schedule 1 will only apply where the relevant land is "identified" by that description or by "like description" or by a description which incorporates any of the expression. As neither word nor expression is actually used in relation to the site within the LEP, the only potentially relevant means of invoking Schedule 1 is if the mapping of the site as biodiversity can be said to be a "like description". In the present case, there is nothing sufficiently like the words or expressions used in Schedule 1, which "identify" the site, in the biodiversity provisions in clause 7.6 of the LEP. On that basis, the mapping of the site as "biodiversity" does not preclude the application of the Seniors SEPP.

6.4 Visual Impact

The issue of compatibility in the context of the visual impact was raised by Council, who stated in their assessment report for the previous proposal that the development resulted in an unsatisfactory visual impact, as:

“...the proposed development is considered to be significantly greater in scale, size and massing when compared with other developments in the surrounding vicinity. The proposed buildings do not provide sufficient physical breaks to appear ‘visually broken up’ or sufficient landscaping to contribute to mitigating the visual impact of the built form.”

The amended proposal has been designed and sited to allow for a building mass, bulk and scale that is appropriate for the site, which is consistent in building height with the surrounding locality and that will have minimal visual impact when viewed from the public domain along Cabbage Tree Road, and from residential properties in the vicinity. The visual impact has been further reduced from that proposed within the DA.

In order to provide comfort that the proposal (once constructed) will not result in an unacceptable visual impact, an independent visual impact assessment of the proposal has been prepared by Dr Richard Lamb. Richard Lamb is an expert and leader in his field, having given evidence in the NSW Land and Environment Court on matters of visual impact and compatibility of built form. This visual impact assessment of the amended scheme concludes the following:

- *“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 proposed.*
- *The visual effects of the proposed development on baseline factors such as site and streetscape character, scenic quality, view place sensitivity and viewer sensitivity, are minor.*
- *The visual effects of the proposed development in relation to variable factors such as composition, viewing level, period, distance and view blocking are likely to be insignificant.*
- *An analysis of the visual effects of the proposed development on sensitive private or public domain views as modelled in block-model and textured photomontages shows that the visual effects of the proposal in its setting would be minor.*
- *The visual absorption capacity of the site is high in all public views and moderate to high in private domain views given the significant amount of existing vegetation surrounding and within the Golf Course and the additional planting that is proposed.*
- *In our opinion the proposed development is compatible with the form, scale and surrounding residential and seniors living visual context. Although the built form proposed is different if considered in isolation to the immediate residential context, it is not dissimilar in terms of height or scale and is compatible in terms of its spatial setting and massing and the contribution of the landscape planting to the existing visual character”.*

Richard Lamb and Associates conclude that the overall visual impacts of the proposed development are low. Any residual visual impacts would be successfully mitigated by the range of mitigation measures, assisted by the landscape scheme, that is proposed around the built form and in other parts of the Golf Course.

6.5 Bushfire

The site is identified on Pittwater Council's 's Bushfire Prone Land Map as containing Category 1 Vegetation and the 100-metre buffer zone from designated Category 1 Vegetation. As the site is considered 'bushfire prone' the provisions of *Planning for Bush Fire Protection 2006* and Australian Standard 3959 - 2009 are triggered. Additionally, seniors housing is a Special Fire Protection Purpose (SFPP) within the meaning of Section 100B of the *Rural Fires Act 1997* and therefore the approval of the NSW Rural Fire Service (NSW RFS) is required.

A Bushfire Hazard Assessment Report has been prepared by Building Code and Bushfire Hazard Solutions Pty Limited and is included in **Appendix U**. This has been reviewed and supported by the NSW RFS.

The report provides a suite of bushfire mitigation measures which must be implemented to mitigate the risk of bushfire to the future seniors housing development. These mitigation measures relate to Asset Protection Zones, management plans, emergency management, construction standards, access requirements and services

requirements. In accordance with the bushfire safety measures listed above, it is considered that a satisfactory level of bushfire protection will be provided to the subject development.

6.5.1 Asset Protection Zone (APZ)

The APZ is a use of land for the purposes of Seniors Housing. The APZ is not Seniors Housing itself. Under the original SCC issued by the DPE, the APZ was able to be located on those parts of Lot 1 DP 662920, Lot 6 DP 45114 and Lot 1 DP 19161. Within the DPE's SCC assessment report the location of the APZ was acknowledged, with the report stating that "the proposed Asset Protection Zones sit outside the development footprint, therefore will result in further existing vegetation removal on the golf course site".

Regardless, we request that the SCC note 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 for access) may be carried out on within the site, but outside the building footprint area.

6.6 Flooding

The proposed seniors housing development is located in the centre of the north-west parcel of land of the golf course, at the existing location of the 4th and 5th hole. It is proposed to locate the new development along an existing ridgeline at a higher elevation than the low-lying portion of the golf course located on the southern side of Cabbage Tree Road. Levels across this portion of the site range from RL 5 to 27 m AHD, while the majority of the golf course lies below RL 2 m AHD.

The site is only impacted by minor overland flow at the south-eastern corner, which is isolated 'pooling only' and is therefore ostensibly located on land free of flooding. Despite this, a flood assessment has been carried out of the overland flow path at the east of the site. The objective of the modelling was to confirm that the seniors housing development works could be undertaken without having any adverse impacts.

The proposal involves the following measures to be implemented as part of the seniors housing development:

- Constructing a trapezoidal channel at the eastern side of the site to convey the overland flows into twin 750 mm circular pipes to convey the majority of the flow to a location upstream of the existing pipe under Cabbage Tree Road;
- Channel side slopes of 1V:3H, with a base width of 3 m;
- Installation of 2 x 1.5 m (W) and 0.45 (H) 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 locally lower flood levels and reduce flooding impacts at the southeast end corner of the site on Cabbage Tree Road.

Council's DCP identifies that the following maximum flood impacts from development are acceptable outside the development site:

- Less than 0.02 m water level increase for the 1% Annual Exceedance Probability (AEP) event;
- Less than 0.05 m water level increase for the Probable Maximum Flood event; and
- Less than 10% increase in velocities for the PMF event.

Accordingly, the flood impact requirements necessitated the modelling of the 1% AEP and PMF events to confirm no adverse offsite flood impacts. The detailed results of the modelling of the future conditions of the golf course are documented in the Flood Impact Assessment report in **Appendix V**, however, the assessment concludes that the proposed works will not result in unacceptable impacts in the most extreme flood events, as follows:

- The proposed channel and twin pipes will convey the 1% AEP flow through the site such that the flood level decreases by up to 2.0 m on the eastern side of the subject site;
- In a 1% AEP event there are minor local increases in the water level up to 0.5 m within the site;

- 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;
- Velocities on Cabbage Tree Road increase in a localised area however the flow depth on the road is no greater than 0.15 and consequently is not expected to impede vehicular traffic;
- Inundation of Cabbage Tree Road at the creek crossing and at the intersection of Annam Road occurs under existing conditions and is unaffected by the proposed development;
- The local increase in the 1% AEP velocity under future conditions on the golf course occurs at the entry to the proposed twin stormwater pipes and would be managed by including appropriate scour protection measures.

In conclusion, the off-site increases in velocity in the 1% AEP and PMF events are not significant as they are small areas and mostly located on road reserve or the golf course and do not impact on surrounding private land. It is concluded therefore that Council's requirement relating to velocity impacts is satisfied. It is further concluded that the proposed Seniors Living Development complies with the relevant flood related development controls.

Figure 25 below illustrates the peak depth and water level during the PMF following the proposed development works, illustrating that the site is flood free in the most extreme event, and **Figure 26** illustrates the level of improvement in water level difference as a result of the proposed development at the south-eastern edge of the site which currently experiences minor overland flooding in an isolated pocket.

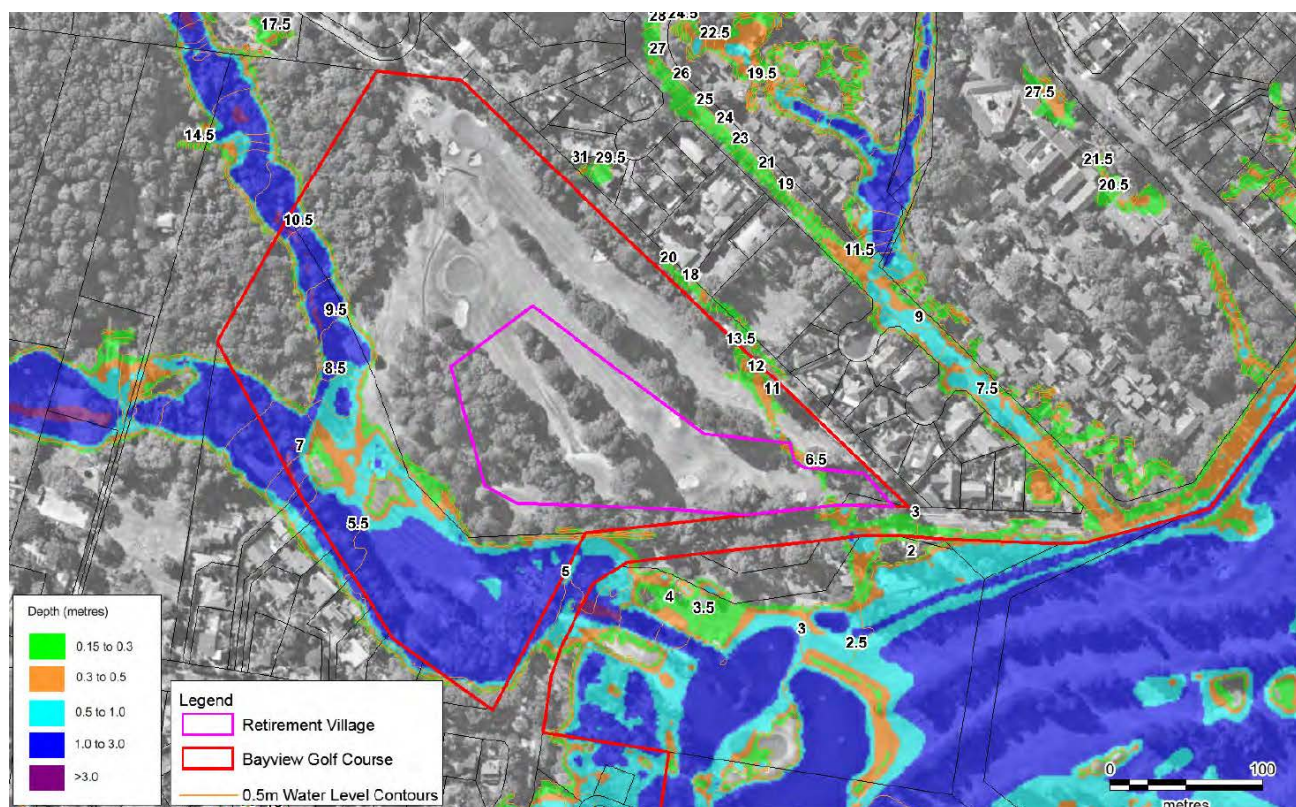


Figure 25 – Future conditions, PMF, 15 min duration depth and water levels

Source: Cardno



Figure 26 – Future conditions, PMF, 15 min duration, flood level differences

Note: Green areas show improvements / water level decreases following proposed works

Source: Cardno

Flood Emergency Response (seniors housing development)

In order to minimise the flood risk to occupants of the seniors housing development, it is important that developments have provisions to facilitate flood emergency response. The two main forms of flood emergency response are:

- Evacuation: the movement of occupants out of the floodplain before the property becomes flood affected; and
- Shelter-in-place: the movement of occupants to a building that provides vertical refuge on the site or near the site before their property becomes flood affected.

For the proposed seniors housing development, the flood risk associated with the development is minor with a shelter-in-place approach is proposed. This conclusion is supported by the following:

- The proposed seniors housing is flood free so the only source of flood risk to life is isolation. There is no direct flood hazard as the site is flood free, with isolation seen as a less significant risk to life;
- Based on SES guidance, evacuation is not recommended for flood free developments, due to the following:
 - If flood free development is to evacuate, this places an extraordinary strain on available evacuation routes. Therefore, it is recommended only flood affected properties evacuate to limit congestion and leave routes available for developments in the floodplain that need to evacuate most;
 - The risk to life associated with driving or walking in a PMF rainfall event is considered to be higher than the risk to life associated with shelter-in-place for flood-free sites;
- The duration of isolation for even the PMF event (assumed to be less than 24 hours) is a comparatively short duration when compared to larger riverine floodplains where isolation periods can be over a number of days. As such the risk to life associated with isolation is comparatively low for a sub-daily duration of isolation.

- With respect to warning times, the critical duration for the PMF event is a 2-hour rainfall duration which means that the evacuation route (Cabbage Tree Road) would be inundated less than an hour after the onset of rainfall. This suggests that there is insufficient time to evacuate;
- Taken in the context of the wider floodplain, the majority of the former Pittwater LGA is a “High Flood Island” as it does not have direct flood free access to medical emergency centres such as Mona Vale Hospital. Therefore, to impose evacuation requirements for a flood free development, even if a vulnerable development type, would set a precedent for the entire LGA.

Therefore, due to the relatively 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. As the site is not flood affected, there is the potential for the site to be used as a place of refuge for the community during flood events.

As the site is not flood affected, evacuation from the site is not required during flood events and the site will remain flood free. This offers the potential for the site to be used as a place of refuge for the community during flood events, with trained medical staff on site. The proposed seniors housing development would have publicly accessible areas, which would be suitable for use as safe refuge during flood emergency events.

6.7 Traffic

A Traffic Impact Assessment (TIA) has been prepared by TTPA (refer to **Appendix O**). The assessment describes the road network and traffic circumstances, assesses the potential traffic implications, assesses the adequacy of the proposed parking provision and assesses the proposed vehicle access, internal circulation and servicing arrangements. An assessment of the findings of the report are discussed below.

Parking

A total of 161 car parking spaces are proposed within the basement car park of the seniors housing development. The number of parking spaces proposed has been designed having regard to the deemed to satisfy provisions set out within Clause 50 of the Seniors SEPP, which are applicable to self-contained dwellings. Clause 50(h) requires a minimum parking provision of 0.5 spaces per bedroom for a non-social housing provider to be deemed satisfactory. For the proposed development, this is equivalent to 138.5 car parking spaces. Therefore, through the provision of 161 spaces (being 122 residential and 39 visitors), the parking provision is considered to be adequate.

Traffic Generation

The overall traffic generation of the proposed development has been assessed within the TIA. According to the TIA, the *RMS Guide to Traffic Generating Developments* does not provide criteria for seniors living developments, but provides peak traffic generation criteria for medium density residential units as follows:

- 2 bedrooms 0.4 – 0.5 vehicle trips per hour, per dwelling
- 3 or more bedrooms 0.5 – 0.65 vehicle trips per hour, per dwelling

However, the experience with other existing Waterbrook seniors housing projects (such as Greenwich and Yowie Bay) is that some 25-30% of residents typically do not own a motor vehicle (mini bus travel is provided). Because of the comprehensive on-site facilities and age/retirement status of residents, the traffic movements are constrained, particularly during the weekday AM and PM commuter peak periods.

The assessed traffic generation of the proposal during the AM and PM peak periods is 0.2 vehicle trips per hour, per dwelling and added to this would be some minor staff, visitor and service vehicle movements. It is apparent therefore that the projected traffic generation will be some 20 – 30 vehicle trips per hour during the peak periods. The potential operational performance of the proposed access roundabout has been assessed using SIDRA with a 20% growth factor on the existing traffic volumes. The results, indicating a satisfactory operational performance, are provided in the TIA and summarised in the below:

- AM: Level of Service A, Average Vehicle Delay of 4.9 seconds
- PM: Level of Service A, Average Vehicle Delay of 4.8 seconds

The TIA concludes that there will not be any unsatisfactory traffic capacity, safety or environmental related implications resulting from the proposed development.

Access

Vehicular access will be provided via a new road, which will connect to a new roundabout at the intersection of Cabbage Tree Road. This will form a 4-way intersection along with Cabbage Tree Road and the existing club maintenance access. The roundabout will incorporate the modified existing pedestrian refuge and will act to constrain vehicular speed along Cabbage Tree Road.

Within the site, the private road will become a driveway and 'split' to provide access to and from the reception and to and from the basement carpark and loading dock area. Access into the basement will be accessed controlled. The design accords with Australian Standards with regards to manoeuvring through the basement.

Garbage will be removed from the loading bay by private contractors and large delivery vehicles (e.g. furniture pantechnicons and / or furniture / appliance delivery vehicles) will also use the loading bay. Small service vehicles (couriers, service personnel etc.) will be able to use the visitor parking spaces in the basement.

Accordingly, there will be suitable vehicle access internal circulation and servicing arrangements for the proposed development.

Public Transport Services

A number of key bus services provide public transport accessibility throughout the local area and through to key centres. These include:

- State transit services include the newly introduced 'B Line' route that runs between Newport and the Sydney CBD.
- Route 155 operates to and from the Mona Vale Centre running along Cabbage Tree Road and Annam Road. This service connects to and from Narrabeen and links with other bus services which provides connections to Manly, Chatswood, North Sydney, and the Sydney CBD;
- Route 182 operates along Samuel Street, Parkland Road and Waratah Street to and from Mona Vale Centre and Narrabeen.

6.8 Servicing

The proposed seniors housing may require services and utilities in the surrounding area to be relocated, altered, augmented or protected in order to implement the envisaged development. A strategy for works to these services and utilities may be required are set out in the Preliminary Servicing Strategy prepared by Martens (refer to **Appendix R**).

6.9 Accessibility

An Access Assessment Report has been prepared by BCA Logic to assess the proposal's consistency with the relevant BCA, DDA and Seniors SEPP provisions and standards (see **Appendix K**). The report considers that the plans comply or are capable of complying with the relevant accessibility standards and provisions.

A key feature of the development is the wayfinding pathways that will ensure ease of access from the entrance of each building, through the landscaped domain and towards the facilities building, reception and nearby public transport. These paths have been designed to the Australian Standard with handrails where needed and comply with required gradients.

An appendix to this accessibility report includes the Access Report prepared by Accessibility Solutions which was prepared at the SCC stage. This report considers the development with respect to the locational requirements of Clauses 26 and 38(i) of the Seniors SEPP. This assessment concludes that:

- Subject to the installation of a footpath from the site along Cabbage Tree Road to the existing footpath, Annam Road footpath and kerb ramp crossing to a bus boarding plinth the development will provide appropriate pedestrian access to public transport in accordance with clause 26(2)(3)(4) of the Seniors SEPP.
- The available bus services provided by Route 155, in conjunction with the abovementioned pedestrian infrastructure, will provide appropriate access to services in a manner consistent with clause 26(2)(b) of the Seniors SEPP.
- The destination shopping centres at Mona Vale, Narrabeen, Collaroy, Dee Why, Brookvale and Manly provide a comprehensive range of services to readily satisfy Clause 26(1) and 26(5) of the Seniors SEPP.

6.10 Contamination and Remediation

Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) requires that consideration be given to whether the site on which development is proposed is contaminated, and if so, whether remediation is required to accommodate the proposed use. Detailed Site Investigations prepared by Martens and Associates are included in **Appendix W** and **Appendix X**.

A Detailed Site Investigation was also undertaken to address potential land contamination. Laboratory results indicated that all soil contaminant concentrations are below the adopted SAC for the proposed seniors housing development. No other potential contamination was observed as part of this assessment. It is therefore considered that the site is suitable for the proposed development.

6.11 Geotechnical Investigation

The overall site includes land mapped as Geotechnical Hazard within the Pittwater LEP 2014 Geotechnical Hazard Map. However, the proposal seniors housing is located outside the land mapped as geotechnical hazard.

A Geotechnical and Acid Sulphate Soils Assessment has been prepared by Martens Consulting Engineers in relation to the seniors housing and is included in **Appendix G**. This report has been prepared to assist in the structural design of the proposed development. It incorporates an investigation into the site's geotechnical and hydrogeological conditions, including an assessment of the potential for the presence of acid sulphate soils within the site.

Based on the site modelling, the following recommendations have been made:

- All footings for new structures along the fill embankment are taken through the soil profile and founded in solid bedrock;
- Slope vegetation should be retained, where possible; and
- Appropriate surface and subsurface drainage should be provided to limit saturation of the soil profile.

Based on the 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. The development is considered acceptable provided the risks are mitigated and the recommendations of the report are implemented.

No construction works associated with the Seniors Housing development are proposed within land mapped as geotechnical hazard.

6.12 Compatibility

The proposal is considered as being compatible with its surrounding context.

The proposal will have no physical impacts on existing surrounding development and the proposal's location and design within the landscape results in its imperceptible visibility in its location. This has been agreed with by Council in its assessment report for the unamended development application whereby the Council was generally satisfied that the development meets the "requirements to manage visual and acoustic privacy". Furthermore, the character of the street and locality is maintained as a result of the additional tree planting in and around the site.

The independent visual impact assessment has been prepared by Dr Richard Lamb concludes: *“Although the built form proposed is different if considered in isolation to the immediate residential context, it is compatible in terms of its spatial setting, height and massing and the contribution of the landscape planting to the existing visual character.”*

Following the determination by the SNPP, the scale of the development has been significantly reduced, with a reduction in storeys, height and density across the site. Additionally, the excavation required for the basement has been reduced. The amended proposal's compliance with the Pittwater LEP height limit further contributes to the key objective of compatibility.

To conclude, it is considered that the amended proposal, which is further reduced in its scale and extent, achieves compatibility to an even greater extent than the previous proposal, in line with the tests established in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191, as follows:

- The proposal's physical impacts on surrounding development are acceptable, given
 - the substantial distance between the proposed development and the surrounding residential land uses.
 - The planting and revegetation of the site (and existing vegetation) will screen the site and ensure that the development largely remains below the tree line and not visually impactful.
 - There will be no impacts on the adjacent golf course as the proposal is set back from the course and appropriately screened by vegetation and other devices to not impact on the golf course's operations.
 - In lieu of any impacts on the amenity of surrounding sites, this aspect is considered to be met.
- the proposal's appearance in harmony with the buildings around it and the character of the street.
 - Harmony is achieved between the proposed development and surrounding land uses, as well as the character of the locality through sympathetic height, bulk and scale to development in the locality.
 - Compatibility is also achieved as the siting and relationship of the proposed built form to surrounding space is of a lesser or consistent extent compared to other buildings in the locality, particularly nearby seniors housing developments.
 - The significance of the existing and proposed vegetation will mean the amended development, further reduced in scale from the previous proposal, is barely “read” from both private and public viewpoints. The amended proposal will present as 2-3 storeys, given it is recessed within its landscape and the ground floor generally below ground level.
 - Materials and finishes have been specifically chosen to ensure that the development contributes positively to the character of the local context. In this way, the design, landscaping and materials result in a development that ‘harmonises’ with its context.

6.13 Public Interest

Council cited the public interest as a reason for refusal stating:

“The site is not considered to be suitable for the development given its location within an area which renders the development, as proposed, to be inconsistent with its desired character”

“The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on the site and within the respective localities”

Notwithstanding this, we note the following:

- The amended scheme seeks approval for a development that has a reduced height and density in comparison with that considered in the previous 2017 SCC. The site is suitable for further development as a registered club is recognised by the Seniors SEPP. The height and scale of the development is now fully consistent with the height of development envisaged under the LEP. Clause 50(b) of the SEPP applies, meaning that the application cannot be refused on the grounds of density and scale.
- The overwhelming amount of public submissions received by Council in support of the proposal further demonstrates the level of public interest and support for the significant public benefit the proposal brings

including both social and economic benefits for the local community. The number of supporting submissions (403) for the proposal was significantly greater than the number of objections (163).

- The proposed development, which includes the upgrade of the golf course, will greatly improve the Club's ability to continue as an important sporting, social and cultural facility for the community.
- The proposal will provide for much needed self-contained seniors housing in a locality with an ageing population and in a retirement village format, which helps meet the strategic need for additional housing diversity including the provision of seniors housing in an accessible location in a services-rich environment.

We consider that the amended design reduces the overall environmental impact of the proposal and will therefore remain within the public interest. In this regard, the development is considered to be within the public interest.

7.0 Statement of Compatibility

This section of the report provides a Statement of Compatibility evaluating the proposal for the amended SCC against the matters for consideration set out in Clause 25 and 26 of the Seniors Housing SEPP.

7.1 Clause 25 Criteria (Seniors Housing SEPP)

Recent amendments to the Seniors SEPP require under Clause 25(2)(c) that for land that is “next to proximate site land”⁴, that an application for an SCC be accompanied by a cumulative impact study that has been prepared in accordance with any guidelines issued by the Planning Secretary from time to time. It is noted that a cumulative study is not required given the land is not considered ‘next to proximate site land’ as the land is not located within a one kilometre radius of 2 or more other parcels of land in respect of which there is either a current SCC or an application for an SCC has been made but not yet determined.

Clause 25(5) and (5A) of the Seniors Housing SEPP requires that the relevant panel must not issue a Site Compatibility Certificate unless they are of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the criteria outlined in the table below. **Table 6** below provides a response to each criterion in Clause 25(5)(b)-(c), demonstrating the proposal’s consistency with this Clause of the Seniors SEPP.

Table 6 Assessment of the proposal against Seniors Housing SEPP Clause 25(5)(b)-(c) and 25(5A) criteria

Criteria	Assessment of proposed concept
Clause 25(5)(b)	
<i>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</i>	<p>The proposal was substantially revised as part of the previous 2017 SCC to ensure it is compatible with the natural environment, including applicable hazards such as flooding and bushfire, and surrounding land uses in the vicinity of the site. This was deemed suitable as part of the issue of the current SCC.</p> <p>The amended Seniors Housing concept proposed as part of this SCC amendment application has reduced the impact on the natural environment through reduced site coverage, reduced building heights and reduced tree removal whilst increasing the amount of landscaping and deep soil on site.</p>
<i>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of SNPP, are likely to be the future uses of that land,</i>	<p>The site is zoned RE2 Private Recreation under the Pittwater LEP 2014. The existing golf course is permissible use and will be continued at the site, primarily, as a result of the use of part of the site for a seniors living development.</p> <p>The proposed seniors housing concept and development will not impact on the future use of immediately surrounding land as a golf course and golf club (recreation facility and registered club).</p> <p>The proposed concept is considered to be compatible with the future use of neighbouring land as a golf course and club.</p>
<i>(iii) 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,</i>	<p>The proposed concept has been assessed for its accessibility to services and facilities identified in Clause 26 of the Seniors Housing SEPP. This is also considered in more detail in Section 7.2 below.</p> <p>It is identified that the proposal complies with the accessibility requirements of Clauses 26 and 38(i) subject to the recommendations included in the accessibility report in Appendix K. Given the primary access to facilities is provided by the centre at Mona Vale, which is a well-established, growing town centre providing good access to a range of services, it is considered that these services will be available to meet the demands arising from the proposed development.</p> <p>Furthermore, an assessment of the site’s access to infrastructure is included in Section 5.3 and Appendix R. The assessment concludes that the required sewer, water and electricity connections are available and can be provided to service the Site.</p>
<i>(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that</i>	<p>The site is zoned RE2 Private Recreation and currently forms part of Bayview Golf Course. This is not a special uses zone, nor is it an ‘open space’ zone (see the Mills Oakley letter at Appendix T). The overall golf course master plan demonstrates that</p>

⁴ (2A) Land is next to proximate site land for the purposes of this clause if the land (or any part of the land) is located within a one kilometre radius of 2 or more other parcels of land (the proximate site land) in respect of each of which either:

(a) there is a current site compatibility certificate, or

(b) an application for a site compatibility certificate has been made but not yet determined.

Criteria	Assessment of proposed concept
<i>the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,</i>	<p>there is sufficient residual land to accommodate an 18-hole golf course and accordingly the land the subject of this application is surplus to the needs of Bayview Golf Club.</p> <p>The proposal and associated works will improve the playability of the golf course and ensure its availability for more days during the year. Accordingly, the proposed development will not impact on the provision of land for open space and special uses in the vicinity of the development.</p>
<i>(v) 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,</i>	<p>This has been comprehensively addressed throughout this SCC report.</p> <p>The proposal's bulk, scale, built form and height has been reduced to minimise the development's impact on existing uses, approved uses and future uses of land in the vicinity of the development. The proposed built form provides a sympathetic and compatible response to the surrounding area, maintaining residential amenity of nearby residential development and minimising any intrusive view impacts.</p> <p>Given the separation distance of the Site from neighbouring built form, the reduced height and scale of the proposal and the built form consistency of the proposal with the 2-4 storey built form of surrounding seniors housing developments, it is considered that the proposal achieves a satisfactory level of impact on neighbouring uses.</p> <p>The floor space ratio of the development is 0.19:1. This is below the benchmark of 0.5:1 set under clause 50(b) of the Seniors Housing SEPP.</p>
<i>(vi) 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.</i>	<p>The Native Vegetation Act is no longer in force. In any event, when it was in force it did not apply to land in the former Pittwater local government area.</p>
<i>(vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate, and</i>	<p>A cumulative impact study is not required as discussed above.</p>
Clause 25(5)(c)	
<i>(c) if a site compatibility certificate has previously been issued in respect of any part of the land to which the application relates—is of the opinion that:</i>	<p>See below.</p>
<i>(i) the basis for issuing the previous site capability certificate was that the land to which the certificate related (the previously certified land) adjoined land zoned primarily for urban purposes, and</i>	<p>The current SCC for the land has been issued on the basis that the site (i.e. the golf course) adjoined land to the north and south that is primarily zoned for urban purposes, being R2 Low Density Residential zoned land (clause 4(5)(b)), and because the land is being used for purposes of an existing registered club (clause 4(1)(b)). This is discussed in the DPE's assessment report for the previous SCC.</p>
<i>(ii) the previously certified land continues to adjoin land zoned primarily for urban purposes, and</i>	<p>The land the subject of the current SCC continues to adjoin land zoned primarily for urban purposes.</p>
<i>(iii) the land to which the application relates includes additional land to the previously certified land, and</i>	<p>The current SCC applied to only part of the golf course land, being Lot 1 DP 662920, Lot 6 DP 45114, and Lot 1 DP 19161. As discussed earlier in this report, this application seeks to apply to the whole golf course, which includes additional lots.</p>
<i>(iv) the additional land is (independently of the previously certified land) also land that adjoins land zoned primarily for urban purposes or subclause (5A) applies.</i>	<p>The additional land is also land that adjoins land zoned primarily for urban purposes, being largely surrounded by residential zoned land.</p>
Clause 25(5A)	
<i>(5A) This subclause applies for the purposes of subclause (5) (c) (iv) if:</i>	

Criteria	Assessment of proposed concept
<i>(a) the proposed development on the additional land does not include any new or additional structures for use as accommodation, and</i>	The additional land the subject of this application does not include any new or additional structures for use as accommodation.
<i>(b) where the previous site compatibility certificate specified a maximum number of dwellings for the previously certified land—the total number of dwellings on the additional land and previously certified land combined will not exceed that maximum number.</i>	The proposal the subject of this SCC seeks to reduce the number of dwellings from 95 to 85. Accordingly, this clause is satisfied.

7.2 Clause 26 Criteria (Seniors Housing SEPP)

Clause 26 of the Seniors Housing SEPP requires that a consent authority not consent to a DA for seniors housing unless it is satisfied that residents of the proposed development will have access that complies with a number of requirements in subclause (2). An assessment of the proposed concept's compliance with the requirements of Clause 26(2) is provided in **Table 7** below.

Table 7 Assessment of the proposal against Seniors Housing SEPP Clause 26(2)

Clause 26(2) criteria	Assessment of proposed concept
<i>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</i> <i>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</i> <i>(b) community services and recreation facilities, and</i> <i>(c) the practice of a general medical practitioner.</i>	The proposed development site has access to shops, bank service providers and other retail and commercial services that residents may reasonably require, as well as community services and recreation facilities, and the practice of a general medical practitioner.
<i>(2) Access complies with this clause if:</i> <i>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</i> <i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i> <i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i> <i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</i>	As the majority of the facilities referred to in Subclause (1) are not within 400 metres of the site, compliance with access is provided in Subclause (2)(b) below.
<i>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</i> <i>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</i>	The access report included in Appendix K demonstrates that the site is serviced by a public transport service available to the residents who will occupy the proposed development, as the nearest shopping centre is located at Mona Vale, approximately two kilometres away. With respect to the provision of access to public transport to access the shopping centre, the site is located approximately 260 metres to the 155 bus stop on Annam Road, which travels to Mona Vale, Narrabeen, Collaroy, Dee Why, Warringah Mall and Manly. These shopping centres provide a comprehensive range of shops and services to satisfy the requirements of Clause 26.

Clause 26(2) criteria	Assessment of proposed concept
<p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p>	<p>Bus Route 155 provides at least two bus stop locations within the shopping centre on Waratah Street near the Akuna Lane intersection and the Park Street stop adjacent to Coles/Pittwater Place shopping complex. There are accessible footpath routes from both locations to a wide range of banks, medical practitioners, retail, commercial and recreation services to comply with Clauses 26 (2b)(3)(4)(5) and 38(i) of the Seniors Housing SEPP.</p> <p>Waratah Street near the Akuna Lane intersection provides appropriate access to the Woolworths shopping complex at Mona Vale, and facilitates accessible footpath routes to Bungan Street to a wide range of banks, medical practitioners, retail, commercial and recreation services to readily comply with Clauses 26 (2b)(3)(4)(5) and 38(i).</p> <p>In addition, the bus service will take those residents to a bus stop that is located at a distance of not more than 400 metres from the facilities and services referred to in Subclause (1). Mona Vale Shopping Centre provides several bus stopping points on Pittwater Road and Park Street with a comprehensive network of footpaths and the pedestrian crossing crossings that facilitate appropriate access to shops and services in accordance with Clauses 26(2)(3)(4) and 38(i).</p> <p>With respect to the accessibility of destination bus stops and access to shops and services, the assessment confirms that appropriate access is achieved in accordance with Clauses 26(2)(3)(4) and 38(i).</p> <p>Route I55 Services - Bayview to Manly</p> <p>Bus route 155/156 which provides 13 services daily Monday to Friday, which depart from this stop at 6.21 am, 7.07am, 8.08am, 8.57am, 10.03am, 11.03am, 12.03pm, 1.03pm, 2.03pm, 3.03pm, 3.56pm, 4.56pm, 5.51 pm Monday to Friday. Return trips arrive at the site 6.11 am, 6.54am, 7.54am, 8.52am, 9.45am, 10.42am, 11.42am 12.42pm, 1.42m, 2.42pm, 3.37pm, 4.38pm, 5.38pm 6.22pm, 4.43pm.</p> <p>Overall, there are 5 services departing the site before noon and 5 return services arriving at the site after noon to comply with clause 26(2)(b) of the SEPP HS.</p>
<p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p>	<p>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 which provides very moderate grades of less than 1:25 to a proposed site entrance, which complies the gradient requirements of Clause 26 (3).</p> <p>A review of the slope along Annam Road confirms a 1:14 gradient for the majority with a 5 metre section at 1:10 and a 15 metre section at 1:12, which comply with Clause 26(3) of the SEPP HS.</p> <p>Overall, the proposed installation of footpaths and kerb ramps combined with the pedestrian route and moderate topography along Cabbage Tree Road and Annam Road will enable appropriate pedestrian access, which is also suitable for an electric wheelchair or scooter to access the bus stop and 155 bus service to comply with Clause 26(2)(3)(4)(5) and 38(i) of the Seniors Housing SEPP and DDA Transport Standard.</p>

In summary it is evident that:

- Subject to the installation of a footpath from the site along Cabbage Tree Road to the existing footpath, Annam Road footpath and kerb ramp crossing to a bus boarding plinth, the development will provide appropriate pedestrian access to public transport in accordance with Clause 26(2)(3)(4) of the Seniors Housing SEPP;
- The available bus services provided by Route 155, in conjunction with the abovementioned pedestrian infrastructure, will provide appropriate access to services in a manner consistent with Clause 26(2)(b) of the Seniors Housing SEPP; and

The destination shopping centres at Mona Vale, Narrabeen, Collaroy, Dee Why, Brookvale and Manly provide a comprehensive range of services to readily satisfy Clause 26(1) and 26(5) of the Seniors Housing SEPP.

8.0 Proposed text for the amended SCC

We submit that the text of the current SCCSCC should be amended as set out below (new text shown in underline, omitted text shown in strikethrough):

1. Adjust Schedule 1 as follows:

Site description: Bayview Golf Course, Bayview (Lot 1 DP 662920, Lot 6 DP 45114, ~~and Lot 1 DP 19161, Lot 300 DP 1139238, Lot A DP 339874, Lot 1 DP 986894, Lot 2 DP 986894, Lot 3 DP 986894, Lot 7 Sec 1 DP 6392, Lot 191 DP 1039481, Lot 150 DP 1003518, Lot 5 DP 45114, Lot 7 DP 45114~~)

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

2. Adjust Schedule 2 as follows:

1. ~~Development that is in the nature of S~~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 Cardo 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 development 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 the subject of 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 evacuation design responses;~~
 - ~~car parking and access requirements for all existing and proposed land uses on the site; and~~
 - potential ecological impacts.

9.0 Conclusion

This Site Compatibility Certificate application is submitted to the Department of Planning and Environment in accordance with the provisions of Clause 25 of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004. The purpose of the SCC amendment application is to facilitate the assessment and determination of a Development Application (presently before the Land and Environment Court) for the construction and occupation of seven (7) separate buildings being a maximum of 3 storeys in height, for the purposes of serviced self-care housing comprising of 85 dwellings with ancillary services and facilities.

Clause 24(2) of the Seniors Housing SEPP requires that a consent authority must not consent to a development application for seniors housing on land that adjoins land zoned primarily for urban purposes and/or land that is used for the purposes of a registered club unless the SNPP has certified in a current site compatibility certificate that, in the SNPP's opinion:

- the site of the proposed development is suitable for more intensive development, and
- development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in Clause 25(5)(b).

On 27 March 2017 the Department of Planning and Environment issued a Site Compatibility Certificate (SCC) under Clause 25(4)(a) of the Seniors SEPP for the purposes of 'in-fill self-care units and ancillary facilities for the purpose of seniors living'. The current SCC remains valid for 24 months from the date of issue, with expiration on 27 March 2019. This SCC amendment application has been submitted, therefore, 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 'building 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 within the site, but outside the building footprint area. We seek this clarification in the amended SCC in Schedule 2. We have proposed some text that would achieve this goal.
- Correct a mapping error.

Notwithstanding the fact that the DPE has already deemed the site as being suitable for more intense development, the revised scheme of reduced scale is of a more contextually appropriate form than previously deemed compatible by the DPE within the current SCC.

It is considered that the proposed concept is more compatible with the surrounding environment having regard to not only the criteria specified in Clause 25(5)(b), but having regard to the existing streetscape, environment, surrounding land uses, and the Planning Principle for compatibility as established by Roseth SC in *Project Venture Developments v Pittwater Council* [2005].

The proposed development is consistent with the aims of the Seniors Housing SEPP and meets the requirements of Clause 25 of the Seniors Housing SEPP. Accordingly, a Site Compatibility Certificate can be issued for the proposal.