SITE COMPATIBILITY CERTIFICATE APPLICATION

Supporting Documentation

Seniors Housing Development

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

Lot 1, DP 662920, BAYVIEW GOLF COURSE
CABBAGE TREE ROAD
BAYVIEW

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Lot 1, DP 662920
Bayview Golf Course
Cabbage Tree Road, Bayview

Prepared on behalf of

Waterbrook Bayview Pty Limited

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1.0 Executive Summary

This written submission incorporates supporting information accompanying a Site Compatibility Certificate ("SCC") application prepared pursuant to clause 24(1)(a)(iii) and in accordance with the clause 25 provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("SEPP HSPD"). Specifically this document addresses the provisions of Part B1, C1, Part C2 and Part C3 of the Site Compatibility Certificate Application form and contains a number of supporting documents.

This application was prepared following consultation with Pittwater Council with the accompanying documentation and analysis representing a highly considered response to the issues raised including permissibility, built form character, vegetation/ wildlife corridor management, land use conflict and driveway location.

This submission clearly demonstrates that the site is suitable for more intensive development and that development for the purpose of seniors housing of the kind proposed is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP HSPD.

The proposal has been found to be compatible with the surrounding environment, consistent with the applicable statutory considerations as they relate to this form of housing on land being used for the purposes of an existing registered club and consistent with the aims of SEPP HSPD. Under such circumstances the public interest is best served through the facilitation of the development proposed through the issue of a Compatibility Certificate.

2.0 Background

In 1924, a local resident, Mr. John Orr, purchased land known as the Winnerrermy Swamp and created a 6 hole golf course. The number of golf holes has gradually expanded to the 18 hole course known as Bayview Golf Club ("BGC"). BGC in its various iterations has been a resource in the local community for 90 years. While it is a Private Club in that it owns its own land it has always opened up its tee sheet to make its facility available to the public.

It is a successful Club committed to its sporting pursuit-in the last 12 months members have taken out the Major Pennant in its division, the Junior Pennant for the whole of Sydney and we are ladies Grade winners. The Club is a valuable community resource where its 1600 members share and participate in the running of the Club.

In the last 10 years the viability of the Club has deteriorated. The Club found itself in need of course renovation works and a recapitalisation, which could only be accomplished by a sale of assets. In the meantime the Club mortgaged those assets and borrowed money for the repayment of which under the Director and Management obligations contained in the Corporations Law is reliant on a land sale.

In September 2013 Bayview Golf Club released an Expression Of Interest for the development opportunity at the Golf Club. The Club had identified the following critical outcomes for the land sale:

- Achieving a realistic financial return to the club on a timely basis
- Retention of an 18 hole golf course
- Ability to minimise disruption to members
- Higher quality development in keeping with the area
- Development that's is sympatric to the Club's neighbours and community
- Ability to activate this project in the shortest reasonable time

In addition above they also identified critical attributes for the developer

- Capability
- Ability to manage the Development Approval in this locale
- Ability to fund the Development Approval process to completion

Waterbrook provided their interest for the purchase of the land, and in November 2013, the Club identified Waterbrook as one of three successful parties to respond to the Request for Proposal by December 2013.

During the month of January 2014, the Club commenced the assessment of the proposals and undertook interviews with Waterbrook and its team, as well as visiting the existing Waterbrook facilities at Greenwich and Yowie Bay, during which they identified Waterbrook as the preferred proponent and commenced the extensive contractual negotiations.

On 13th March 2014 at the General Meeting of the Club, where the sale of 20,000 square meters of the land to Waterbrook Bayview was proposed, the members voted unanimous in favour of the sale to Waterbrook Bayview. Club members, the bulk of whom reside in the area, overwhelmingly provided their support for this development.

On 3rd May 2014 contracts were signed between Waterbrook Bayview and Bayview Golf Club.

BGC has identified that Waterbrook Bayview will help the Club develop its land and as a result the Club will be in a position to repay its debt, renovate its golf course and leave an endowment in perpetuity by way of significant funds in an independent Trust. In addition the residents of Waterbrook are an important source of potential membership for the Club.

The Waterbrook Brand has been established for approximately 13 years since the completion of the initial Waterbrook Yowie Bay Seniors Housing and sets a new benchmark of quality and innovation in the Retirement living sector. Waterbrook Greenwich is recognised by the Retirement Industry as today's leading Seniors Housing in Australia.

Waterbrook Seniors Housing have been awarded many Urban Design Awards and Excellence in Senior Living Awards since development.

Waterbrook's unique positioning at the premium end of the retirement market has enabled it to attract the very best quality of managerial, catering and on-site support staff. Unlike any competitor to date, Waterbrook delivers a standard of excellence to a high-end target market that previously would not have considered retirement living as a viable housing solution for themselves. The level of amenity delivered at each property under the brand is unsurpassed in the Retirement Industry and the provision of completely independent, quality living; with the services and facilities of a luxury boutique hotel are the pivotal distinctions.

The Waterbrook brand is synonymous with the very best in senior living evidenced by key features and 24/7 services. Waterbrook represents a completely unique and distinct lifestyle solution for retirees in the local community.

Complementing the premium amenity provided at the facility is the expertise and strength of the Waterbrook Management Teams committed to providing the highest level of service and essential care and attention that is required to ensure that every resident receives maximum benefit from living at Waterbrook. The pre-requisite of high end hospitality experience and a hotel service focus represents an unrivalled departure from the traditional Retirement village model and signifies the uniqueness of the Waterbrook brand.

3.0 Part B1 – Site compatibility certificate required for certain development applications

3.1 Land to which SEPP HSPD applies

The subject property is zoned RE2 Private Recreation pursuant to Pittwater Local Environmental Plan 2014 ("PLEP 2014"). The zoning of the land is depicted in the zoning extract at Figure 1 below.

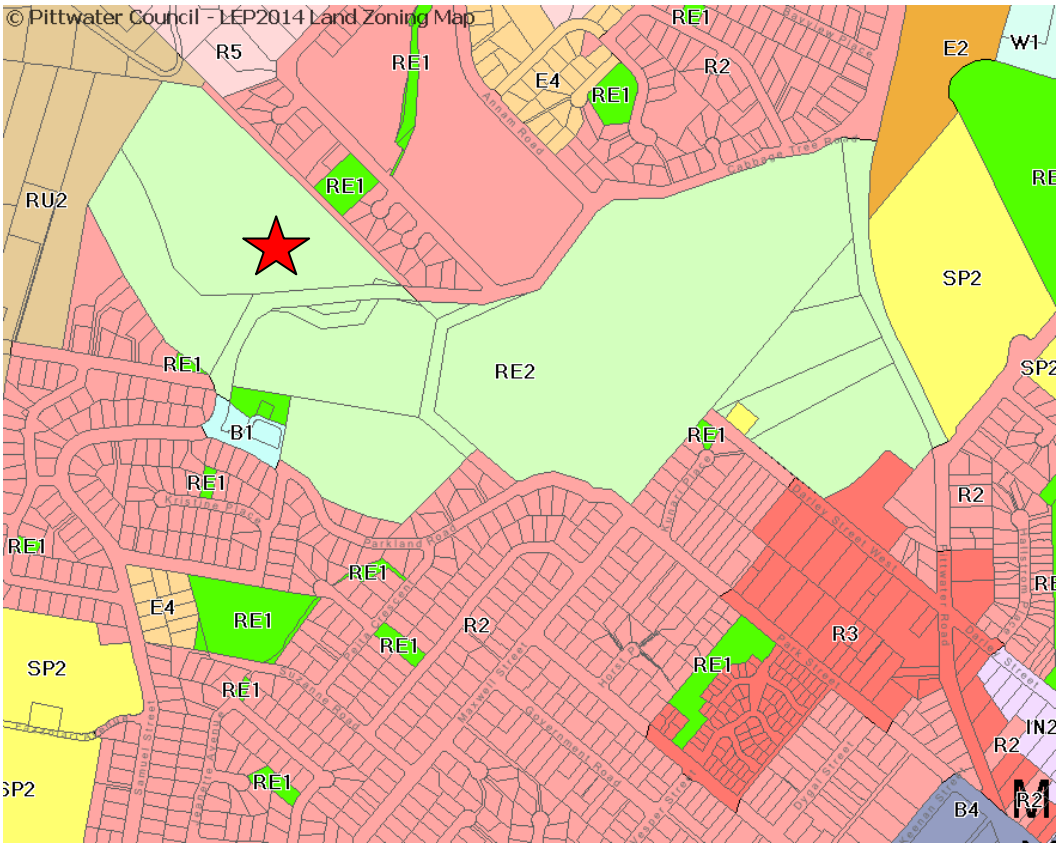

Figure 1 – Zoning extract PLEP 2014

The land use table contained within PLEP 2014 for the RE2 Private Recreation zone is as follows:

Zone RE2 – Private Recreation

1 Objectives of zone

- *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.*

2 Permitted without consent

Nil.

3 Permitted with consent

Community facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Signage

4 Prohibited

Any development not specified in item 2 or 3

Figure 2 – Land use table extract PLEP 2014

The land upon which the development is proposed is currently used for the purposes of Bayview Golf Club being an existing registered club. We note that recreation facilities (outdoor) and registered clubs are permissible with consent in the zone. Seniors housing is prohibited.

Pursuant to clause 4(1) of SEPP HSPD the policy applies to land within NSW that is zoned primarily for urban purpose 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.

We note that the land is being used for the purposes of Bayview Golf Club being an existing registered club.

Pursuant to clause 4(5) of SEPP HSPD a consent authority must not treat land that is being used for the purposes of an existing registered club as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

In this regard the zoning extract at Figure 1 clearly demonstrates that most of the RE2 Private Recreation zoned land being used for the purposes of Bayview Golf Club adjoins land zoned R2 – Low Density Residential or R3 Medium Density Residential. Accordingly the consent authority can treat the subject land as being land zoned primarily for an urban purpose for the purposes of SEPP HSPD.

We also confirm that the subject land is not described in Schedule 1 (Environmentally sensitive land) of SEPP HSPD and accordingly the provisions of SEPP HSPD apply to the subject land.

2.2 Requirement for site compatibility certificate

This site compatibility application has been prepared pursuant to clause 24(1)(a)(iii) of SEPP HSPD as the development is proposed to be carried out on land that is used for the purposes of an existing registered club. We note that the permissibility of seniors housing on the subject land is subject to the issue of a site compatibility certificate by the Director – General.

Pursuant to clauses 24(2) a consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General'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).

As previously indicated this submission demonstrates that site is suitable for more intensive development and that development for the purpose of seniors housing of the kind proposed is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP HSPD.

4.0 Part C1 – Development Proposal Information

4.1 Context

Site location and description

The subject land is legally described as Lot 1 in DP 662920, Cabbage Tree Road and forms part of the land holding upon which Bayview Golf Course is located. The landholding contains the 4th, 5th, 6th and 7th holes with the balance of the golf course including the recently constructed club house and car parking facilities located on the southern side of Cabbage Tree Road which bisects the golf course.

Figure 3 – Aerial site/ location/ context photograph – Bayview Golf Course

The application proposes the Torrens Title subdivision of the land to create a 19,958 square metre allotment upon which the seniors housing development will be located. The proposed allotment will be irregular in shape having frontage and address to Cabbage Tree Road of a approximately 200 metres before rising approximately 24 metres across its surface in a north westerly direction at grades of approximately 1:12. The proposed allotment, contours and site features are depicted on the survey/ subdivision plan 18990 prepared by Bee & Lethbridge at ANNEXURE 1 and at Figure 4 over page.

Figure 4 - Aerial site/ location/ context photograph - Proposed allotment

The final subdivision boundary alignment has been prepared through detailed site and contextual analysis which has included preliminary feedback from a range of consultants in the fields of drainage/ flooding, flora and fauna assessment, arboreal assessment, bushfire assessment, geotechnical/ acid sulphate soils analysis, servicing and accessibility. The constraints and opportunities identified are detailed on the accompanying site analysis diagrams at pages 2, 3 and 4 of the Waterbrook Bayview site Masterplan, dated 30th July 2014, prepared by Marchese Partners a copy of which is attached and marked ANNEXURE 2.

Through such analysis the property boundaries have been adjusted to maximise spatial separation to the adjoining residential properties and ensure that the building elements are located outside the hitting zones associated with the retained/ reconfigured golf holes located around the permitter of the proposed allotment.

The vegetation on the site is typical of many golf courses consisting of open mown grass fairways, greens and tees with canopy trees lining fairways. A narrow band of denser vegetation occurs 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.

Figure 5 – View looking west along the Cabbage Tree Road frontage of proposed allotment

Figure 6 – View looking down the existing 5th fairway along north eastern boundary of proposed allotment showing typical landscape character

Bus stops are located to the east of the site on Annam Road (outside Bayview Gardens Retirement Village) providing direct and convenient access to Mona Vale commercial centre which provides for a wide range of services and facilities within a short 5 minute bus ride.

Surrounding land uses

The proposed allotment is immediately bordered by Cabbage Tree Road and the existing golf course. Development to the north east is characterised by 1 and 2 storey detached dwelling houses and 1, 2 and 3 storey seniors housing. The nearest residential receiver is some 40 metres from the proposed allotment with a majority of residential properties to the north east located in excess of 80 metres from the subject site. Non-urban zoned land is located to the north west of the site with 2 and 3 storey detached dwelling houses located to the south west over 130 metres from the proposed property boundary. A small neighbourhood centre is located to the north of the site comprising 3 storey shop top housing development. The zoning of adjoining land is depicted in Figure 1.

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. This development comprises predominately 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.

The site and context analysis diagrams contained at pages 2, 3 and 4 of the accompanying Site Master Plan at ANNEXURE 2 details the spatial relationship of the proposed allotment and future development to adjoining land uses, other 2, 3 and 4 storey seniors housing/ retirement village development and the balance of the golf course land.

Access to services

The application is accompanied by an accessibility report, dated July 2014, prepared by Accessibility Solutions (NSW) Pty Limited which has assessed the development against the applicable statutory considerations and contains the following conclusions:

> *Following a review of the site masterplan and location regarding access to public transport, shops and services it is my opinion that the proposed development location complies with the accessibility requirements of clauses 26 and 38(i) of the State Environment Planning Policy - Housing for Seniors or People with a Disability subject to;*
>
> - *The installation of a footpath from the site to connect with the existing Cabbage Tree Road footpath; and*
> - *A footpath on Annam Road from Cabbage Tree Road to Kiah Close with kerb ramps to cross to the bus stop adjoining Bayview Village Gardens.*
>
> *With respect to on-site accessibility the masterplan illustrates an accessible site entry with continuous accessible paths of travel to all buildings and communal facilities in a manner that can be detailed to comply with AS1428 to satisfy Schedule 3 of the SEPP HS and relevant aspects of Part D3 of the BCA.*

A copy of this Accessibility Report is attached and marked ANNEXURE 3.

In terms of sewer and water we refer to the Preliminary Servicing Strategy, dated July 2014, prepared by Martens Consulting Engineers and the feasibility letter dated 2nd July 2014, prepared by Sydney Water which confirm that the site has access to an adequate water supply. The site is not presently connected to the Sydney Water sewer network, however there are a number of sewer servicing options existing around the site, with the preferred connection point located on Annam Road, which will satisfy the requirements of Sydney Water.

A copy of this Preliminary Servicing Strategy is attached and marked ANNEXURE 4.

Overhead lines to Ausgrids network runs along the southern boundary of the site on the north side of Cabbage Tree Road. Discussions are underway with

Ausgrid to formalise the electricity requirements however such servicing is readily available for the future development.

Open space and special use provisions

There are no open space and or special use provisions applicable to the land or its immediate context.

Agricultural capability of site and adjoining land

Pursuant to clause 4(5) of SEPP HSPD the site is deemed to be land zoned primarily for an urban purpose. Accordingly these considerations are not applicable.

Native vegetation

The application is accompanied by a flora and fauna assessment, dated 2nd July 2014, prepared by Footprint Green Pty Limited a copy of which is attached and marked ANNEXURE 5. The Executive Summary within the report contains the following commentary:

> *The subject site has an area of approximately 2 Ha and is previously been developed as a golf course, with mown grass and remnant trees lining the fairways.*
>
> *.....*
>
> *Surveys and habitat assessments have been undertaken using a range of techniques to identify flora and fauna and ecological communities that may occur or utilise the site.*
>
> *A number of threatened species listed on the Threatened Species Conservation Act 1995 (NSW) and/or the Environment Protection and Biodiversity Conservation Act 1999 (Cwith) have been recorded as occurring within 5km of the site. Those threatened species that have been recorded on the site or have some habitat relationships with the habitats on the site include:*
>
> - *Bush stone-curlew;*
> - *Gang-Gang Cuckatoo;*

- *Glossy Black-Cuckatoo;*
- *Little Lorikeet;*
- *Barking Owl;*
- *Powerful Owl;*
- *Eastern Bent-wing Bat;*
- *Eastern Freetail Bat;*
- *Grey-headed Flying-fox.*

Based upon assessments carried out in accordance with section 5A of the Environmental Planning and Assessment Act 1979 (NSW), the proposed subdivision and development will not have a significant impact on threatened species and populations listed in the schedules of the Threatened Species Conservation Act 1995 (NSW) nor on those specifies listed in the schedules of the Environment Protection and Biodiversity Conservation Act 1999 (Cwith).

Consideration has also been given to the application of State Environmental Planning Policy (SEPP) 44 Koala Habitat Protection. Based upon the assessments in this report the site is not considered to be core koala habitat for the purposes of SEPP 44.

Further, the application is accompanied by an arboricultural impact assessment, dated 30th June 2014, prepared by Footprint Green Pty Limited which assesses the condition and significance of a number of trees within and adjacent the proposed allotment and assesses the potential impact of the proposed development on the identified trees.

The report identifies that of the several thousand trees located on the golf course and the 234 surveyed that 98 trees are proposed to be retained and 136 trees removed. Such tree loss is to be assessed having regard to the findings contained within the accompanying flora and fauna report.

The report concludes that provided the design protection measures identified in the arboricultural report are implemented and works are undertaken in a sensitive manner that the trees identified for retention can be satisfactorily retained. Reference is also made to Appendix A of the report which identifies opportunities for on course compensatory revegetation. This report is attached and marked ANNEXURE 6.

4.2 Proposal

Description of the proposal

The application proposes the Torrens Title subdivision of the land to create a 19,958 square metre allotment upon which a seniors housing development incorporating 115 self contained dwellings with ancillary services and facilities and basement parking for 218 vehicles is proposed. The application is made pursuant to SEPP HSPD.

The development concept is detailed on presentation package plans 1 – 21, dated 30th July 2014, prepared by Marchese Partners a copy of which is attached and marked ANNEXURE 2.

The design concept has been prepared through a detailed site and contextual analysis, which has included preliminary feedback from a range of consultants in the fields of drainage/flooding, flora and fauna assessment, arboricultural assessment, bushfire assessment, traffic/ parking, geotechnical/acid sulphate soils analysis, servicing and accessibility. The constraints and opportunities are identified on the site analysis diagrams on pages 2, 3 and 4 of the presentation package bundle.

As a consequence of the site analysis the proposed property boundaries have been adjusted to maximise spatial separation to the nearest residential properties, (situated to the east) whilst ensuring that the building elements are located outside the hitting zones associated with the retained golf course holes located around the perimeter of the site. The proposed building footprints ensure the retention of all identified significant habitat and threatened plant species whilst ensuring the maintenance of the wildlife corridor which exists along the alignment of the golf course.

Site context is the guiding influence and the intent of the design is to respond to the existing cues provided by the environment and natural features available on the site. The built form will step down the site and follow the contours of the land and where possible the skilful use of topography will allow the roofs of buildings to be used as open communal space, gardens or private terraces.

The building form has been broken into 7 separate building elements to break up the massing of the development and enable the buildings to step down the site in response to topography. The buildings are predominantly 4 storeys in height with the upper floor displaying a constrained and recessive floor plate. The reception/ facilities building is 1 and 2 storeys in height to provide a low horizontally massed building to the street with Blocks E and F located on the steeper western edge of the site, which is not readily visible when viewed form cabbage Tree Road or any immediate residential property, containing an additional level of accommodation again with a constrained and recessive floor plate.

This is a site that sits alone within the context of the golf course. The nearest residential neighbours to the north east are 40 metres away. Any development in this location of the site would be significantly screened by the existing trees and woodland to the west, south and east. Development of land to the south east requires good understanding and manipulation of the site levels to provide a good fit into the environment. Landscaping design and new planting would complement the existing vegetation.

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 landscape 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 Waterbrook brand is based on a model of service and quality living for its Residents and is at the pinnacle of seniors living in Australia. The apartments are of generous size ranging from 100 square metres two bedroom, 140 to 160 square metres for three bedroom to 180 square metres for penthouse apartments. First class and state of art facilities totalling 3048 square metres are located next to a distinctive and welcoming double height entrance foyer.

The communal facilities located centrally within the development include a 24/7 concierge, swimming pool, meeting rooms, business centre, restaurants, bars and cafés, library, hair and beauty salon, technology centre, fitness/yoga centre, cinema, games centre, workshop, arts and craft centre. These facilities are ancillary to the seniors housing use and will be available for use by residents and their guests.

Amenity is paramount in the design of the apartments, facilities and landscaping. Internal pathways provide accessible paths of travel throughout the site with lift access provided from the basement car parking areas to all residential levels of the development.

The body of documentation prepared in support of the compatibility certificate application and subsequent development application will demonstrate that the site is suitable for a more intense form of development with the building height, FSR and landscape area proposed providing for a contextually appropriate and compatible building form and land use outcome on this particular site with the development not giving rise to any unacceptable streetscape, environmental or residential amenity outcomes.

The application affords a unique opportunity to provide seniors housing of exceptional design quality which will provide greater housing choice for seniors and people with a disability on the Northern Beaches of Sydney.

Site description (known hazards and constraints)

Initial site analysis has identified the following known hazards and environmental constraints located both on the proposed allotment, the subject of this application, and on the adjacent golf course land (refer to site analysis plans 2 – 4 at ANNEXURE 2):

- Coastal enriched sandstone moist forest habitat adjacent to the Cabbage Tree Road frontage and on adjacent golf course;
- Swamp Sclerophyll Forest (endangered ecological community) in southern corner of the proposed lot and on adjacent golf course ;
- Magenta Lillypilly (Syzgium Paniculatum) threatened flora species on adjacent golf course;
- Flood risk/ drainage; and
- Wildlife corridor; and
- Bushfire Prone Land.

In relation to the flora/ fauna, wildlife corridor and ecological impacts the application is accompanied by a detailed flora and fauna assessment, dated 2nd July 2014, prepared by Footprint Green Pty Limited (ANNEXURE 5). The report contains the following findings:

> *The subject site has an area of approximately 2 Ha and is previously been developed as a golf course, with mown grass and remnant trees lining the fairways.*
>
> *.....*
>
> *Surveys and habitat assessments have been undertaken using a range of techniques to identify flora and fauna and ecological communities that may occur or utilise the site.*
>
> *A number of threatened species listed on the Threatened Species Conservation Act 1995 (NSW) and/or the Environment Protection and Biodiversity Conservation Act 1999 (Cwith) have been recorded as occurring within 5km of the site. Those threatened species that have been recorded on the site or have some habitat relationships with the habitats on the site include:*

- *Bush stone-curlew;*
- *Gang-Gang Cuckatoo;*
- *Glossy Black-Cuckatoo;*
- *Little Lorikeet;*
- *Barking Owl;*
- *Powerful Owl;*
- *Eastern Bent-wing Bat;*
- *Eastern Freetail Bat;*
- *Grey-headed Flying-fox.*

Based upon assessments carried out in accordance with section 5A of the Environmental Planning and Assessment Act 1979 (NSW), the proposed subdivision and development will not have a significant impact on threatened species and populations listed in the schedules of the Threatened Species Conservation Act 1995 (NSW) nor on those specifies listed in the schedules of the Environment Protection and Biodiversity Conservation Act 1999 (Cwith).

Consideration has also been given to the application of State Environmental Planning Policy (SEPP) 44 Koala Habitat Protection. Based upon the assessments in this report the site is not considered to be core koala habitat for the purposes of SEPP 44.

.....

The habitats to be removed are currently modified and the vegetation structure is simplified, consisting of indigenous trees in open mown grass areas. Although the habitats are modified these trees provide a contribution to the local ecology by providing seasonal foraging opportunities and refuge for primarily bird specifies and potentially bat species. Taking into account the vegetation to be retained on the golf course, the proposed development is unlikely to have a significant impact on common urban fauna populations and it is unlikely that the development will restrict the movement of common fauna between local and regional habitats.

In relation to flood risk the application is accompanied by a Pre-Development Flood Assessment, dated June 2014, prepared by Martens Consulting Engineers which assessed the likely impact of flooding on the proposed development. This document is attached and marked ANNEXURE 7. The report comprehensively addresses the issue of flooding and contains the following advice:

> *It is noted that FPL requirements are based on flooding conditions for the entire site. The development site is currently flood free in the 1% AEP and only partially inundated in the south eastern corner in the PMF. It is likely PMF extents can be reduced at DA stage with provision of specific site flood modelling and implementation of engineered solutions (culvert design, flow diversion etc) if this is required. Outcomes of this are likely to result in the site being flood free and change FPL requirements.*

The report also contains a preliminary Flood Evacuation Plan and determines that flooding is not a constraint to the future development of the proposed allotment.

In relation to drainage the application is accompanied by a Drainage Constraints Assessment, dated 27th June 2014, prepared by Martens Consulting Engineers attached and marked ANNEXURE 8. The report contains the following commentary:

- *As there are no mapped or constructed watercourses within the development area there are no riparian buffer requirements.*

- *Water quality analysis and concept stormwater treatment train details are to be provided at DA stage.*

- *The development area is greater than 40m away from all watercourses and so is not considered integrated development under the Water Management Act 2000. A Controlled Activity Approval license is therefore not required.*

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. The application of *Planning for Bush Fire Protection 2006* and Australian Standard 3959 – 2009 is therefore triggered. As the subject site is considered 'bushfire prone' referral to the NSW Rural Fire Service is triggered for the issuing of a Bushfire Safety Authority.

The accompanying Bushfire Site Compatibility Assessment, dated 27th June 2014, prepared by Building Code & Bushfire Hazard Solutions confirms the accuracy of such mapping and outlines the requirements for bushfire mitigation measures that are applicable for the proposed development.

Based on the advice received an Asset Protection Zone between the proposed development and the vegetation to the northwest and west is required. The minimum separation distance is determined to be 60 metres to the northwest and 60 metres to the west. These APZs can be provided within the Golf Course and covered by an easement ensuring the maintenance of the APZs for the life of the development.
The report confirms that the proposed development is compatible with the requirements of Planning for Bushfire Protection 2006 and AS3959 – 2009 Construction of buildings in bushfire prone areas. This assessment report is attached and marked ANNEXURE 9.

Having regard to the identified constraints and above findings the Director General can be satisfied that:

(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.

Finally we note that the issues of site contamination, geotechnical land stability and acid sulphate soils have been addressed in the Stage 1 Environmental Site Assessment and Geotechnical/ Acid Sulphate Soils Assessment both dated August 2014 and prepared by Martens Consulting Engineers. Both reports conclude that the site is suitable for the development proposed with such reports attached and marled ANNEXURES 10 and 11 respectively.

Building envelope

The concept for the proposed development has been prepared through a detailed site and contextual analysis, which has included preliminary feedback from a range of consultants in the fields of drainage/flooding, flora and fauna assessment, arboricultural assessment, bushfire assessment, traffic/ parking, geotechnical/acid sulphate soils analysis, servicing and accessibility. The constraints and opportunities are identified on the site analysis diagrams on pages 2, 3 and 4 of the presentation package plans.

The Bayview Waterbrook Site Masterplan documentation at ANNEXURE 2 clearly shows the footprint, layout and height of the development relative to adjoining development / land uses.

Native vegetation clearing

As previously indicated, the application is accompanied by an arboricultural impact assessment, dated 30th June 2014, prepared by Footprint Green Pty Limited which assesses the condition and significance of a number of trees within and adjacent the proposed allotment and assesses the potential impact of the proposed development on the identified trees.

The report identifies that of the several thousand trees located on the golf course and the 234 surveyed that 98 trees are proposed to be retained and 136 trees removed. Such tree loss is to be assessed having regard to the findings contained within the accompanying flora and fauna report viz:

> *Based upon assessments carried out in accordance with section 5A of the Environmental Planning and Assessment Act 1979 (NSW), the proposed subdivision and development will not have a significant impact on threatened species and populations listed in the schedules of the Threatened Species Conservation Act 1995 (NSW) nor on those specifies listed in the schedules of the Environment Protection and Biodiversity Conservation Act 1999 (Cwith).*

The arboricultural impact assessment concludes that provided the design protection measures identified in the arboricultural report are implemented and works are undertaken in a sensitive manner that the trees identified for retention can be satisfactorily retained. Reference is also made to Appendix A of the report which identifies opportunities for on course compensatory revegetation.

4.3 Strategic justification

Relationship with regional and local strategies

The proposal is consistent with the aims of SEPP HSPD which encourage the provision of housing that will:

(a) increase the supply and diversity of residences that meet the need of seniors or people with a disability, and
(b) make efficient use of existing infrastructure and services, and
(c) be of good design

This submission demonstrates that these aims will be achieved given:

- The development will be compliant with the non-discretionary development standards specified within this policy for this form of development on this particular site;

- The Waterbrook brand is based on a model of service and quality living for its residents and is at the pinnacle of seniors housing in Australia. The apartments are of generous size ranging from 100 square metres two bedroom, 140 to 160 square metres for three bedroom to 180 square metres for penthouse apartments providing a diverse range of housing choice to meet the needs of seniors or people with a disability both within the proposed development and the Pittwater LGA generally;

- This document demonstrates that the site is able to be serviced by existing infrastructure and services;

- The development will display design excellence given the longstanding relationship between the Waterbrook brand and Marchese Partners.

There are no regional or local strategies applicable to development on this particular site.

Public interest

It is generally accepted that with an aging population there is a growing need for this form of housing throughout Sydney and in areas which enable seniors or people with a disability to age in place. We note that the proposed development is within immediate proximity of Bayview Gardens Retirement Village and within close proximity to Peninsula Gardens Retirement Village and Minkara Resort Retirement Village which contain nursing homes and respite care facilities. A number of seniors housing type development has also been approved and constructed along Pittwater Road, Bayview.

The applicability of SEPP HSPD to the site coupled with the existence of a significant and diverse range of seniors housing development within proximity of the site suggest that this particular area has been identified as being suitable and appropriate for uses which cater for the needs of seniors or people with a disability.

Accordingly we have formed the considered opinion that approval of the proposed development would be in the public interest.

Adequacy of services and infrastructure to meet demand

We confirm that the development will have appropriate access to necessary support services as detailed in the site compatibility access report, dated 8th July 2014, prepared by Accessibility Solutions (NSW) Pty Limited (ANNEXURE 3). The development will contain the following services:

- 24/7 concierge;
- Indoor heated swimming pool;
- Restaurants, bars and café's;
- Library;
- Hair and beauty salon;
- Technology centre;
- Fitness/yoga centre;
- Cinema;
- Games centre;
- Workshop, arts and craft centre.

Mona Vale Commercial Centre is located within a short 5 minute bus ride of the proposed development containing a wide range of services including:

- Supermarkets;
- Retail shops;
- Bank service providers;
- Post office;
- General medical practitioners;
- Dentists;
- Chiropractors and physiotherapists;
- Library;
- Cafés and restaurants;
- Gymnasium's;

In terms of servicing and infrastructure we refer to the Preliminary Servicing Strategy, dated July 2014, prepared by Martens Consulting Engineers and the feasibility letter, dated 2nd July 2014, prepared by Sydney Water (ANNEXURE 4) which confirm that the site has access to an adequate water supply and that a number of sewer servicing options exist which will satisfy the requirements of Sydney Water. Discussions are ongoing with Ausgrid who has confirmed that adequate power supply can be made available to the site.

The application is also accompanied by an initial traffic investigations report, dated 25th June 2014 (Addendum 29th July 2014), prepared by Traffic and Transport Planning Associates which conclude:

> *It is apparent that the preliminary development plans indicate that adequate appropriate and convenient access will be available and that there is nothing which will prevent a detail design being achieved which will be compliant with all relevant standards including AS2890.1, 2 and 6 etc. It is also apparent that the site is suitable for the form and intensity of the proposed development in terms of traffic and parking.*
>
> *...it is apparent that the proposed access location will be appropriate and will not have adverse traffic or safety implications to the operation of CT Road.*

This report is attached and marked ANNEXURE 12.

4.4 Pre-lodgement consultation

Evidence of consultation

A formal pre-lodgement meeting was held with Pittwater Council on 20th June 2014 with the minutes arising from such meeting attached and marked ANNEXURE 13.

Description of and response to issues raised

Having reviewed the Council minutes the issues identified can be summarised as follows:

- Provision of arborist report identifying all trees to be impacted and suitable areas for revegetation areas to offset loss of canopy and habitat.
- Demonstrate that the development will not cut off the wildlife corridor in terms of its positioning and scale and that some existing canopy can be retained and appropriate offsetting replacement vegetation provided.
- Provision of a vegetation management plan incorporating weed control techniques and time frame for the existing band of vegetation along Cabbage tree Road.
- Demonstrate how the golf course will be reconfigured to retain 18 holes and identify potential impacts associated with such works.
- Demonstrate that there will be no conflict between the use of the golf course and the development given their proximity.
- Confirmation as to whether the proposal is serviced self care housing and the provision of details confirming compliance with Clause 26 location and access to facilities requirement of SEPP HSPD.
- Compatibility in relation to desired future character, building height and scale and departures from the applicable Council and SEPP HSPD controls.
- Impact upon the character and amenity of the land and the land uses in the vicinity.
- Permissibility.
- Driveway location relative to crest in Cabbage Tree Road.
- Preparation of a flood risk management plan and evacuation strategy.

The considered response to the issues is as follows:

- ***Provision of arborist report identifying all trees to be impacted and suitable areas for revegetation areas to offset loss of canopy and habitat.***

Response: This application is accompanied by an arboricultural impact assessment, dated 30th June 2014, prepared by Footprint Green Pty Limited which assesses the condition and significance of a number of trees within and adjacent the proposed allotment and assesses the potential impact of the proposed development on the identified trees.

The report identifies that of the several thousand trees located on the golf course and the 234 surveyed that 98 trees are proposed to be retained and 136 trees removed. Such tree loss is to be assessed having regard to the findings contained within the accompanying flora and fauna report at ANNEXURE 5.

The report concludes that provided the design protection measures identified in the arboricultural report are implemented and works are undertaken in a sensitive manner that the trees identified for retention can be satisfactorily retained. Reference is also made to Appendix A of the report which identifies opportunities for on course compensatory revegetation.

- ***Demonstrate that the development will not cut off the wildlife corridor in terms of its positioning and scale and that some existing canopy can be retained and appropriate offsetting replacement vegetation provided.***

Response: In relation to the wildlife corridor the application is accompanied by a detailed flora and fauna assessment, dated 2nd July 2014, prepared by Footprint Green Pty Limited (ANNEXURE 5). The report contains the following findings:

> *The habitats to be removed are currently modified and the vegetation structure is simplified, consisting of indigenous trees in open mown grass areas. Although the habitats are modified these trees provide a contribution to the local ecology by providing*

seasonal foraging opportunities and refuge for primarily bird specifies and potentially bat species. Taking into account the vegetation to be retained on the golf course, the proposed development is unlikely to have a significant impact on common urban fauna populations and it is unlikely that the development will restrict the movement of common fauna between local and regional habitats.

Reference is also made to Appendix A of the report which identifies opportunities for on course compensatory revegetation with a detailed landscape plan/ vegetation management plan being prepared as a component of the development application.

- ***Provision of a vegetation management plan incorporating weed control techniques and time frame for the existing band of vegetation along Cabbage tree Road.***

Response: A comprehensive Vegetation Management Plan will be prepared as a component of the Development Application.

- ***Demonstrate how the golf course will be reconfigured to retain 18 holes and identify potential impacts associated with such works.***

Response: This submission is accompanied by a Master Plan for future golf course works, dated May 2014, prepared by Papworth + Parker Golf which shows the golf course reconfiguration works proposed to accommodate the proposed development. A copy of this plan and design statement is attached and marked ANNEXURE 14.

We note that all works are contained within previously disturbed areas of the site and maintain established setbacks to neighbouring properties. The accompanying correspondence from Papworth + Parker contains the following advice in relation to golf ball nuisance:

> *We have taken into account all of the available information mentioned above when preparing the Master Plan. Our 'without prejudice' advice is that the golf layout in general and holes 4, 5 and 6 in particular satisfy the recognized internationally accepted standards and as such should not expose future residents to undue nuisance from golf balls.*

We note that all golf course reconfiguration works will be the subject of a separate development application once development consent for the seniors housing development is obtained.

- ***Demonstrate that there will be no conflict between the use of the golf course and the development given their proximity.***

Response: In relation to potential conflict between golf balls and the proposed development rely on the expert advice provided by the golf course designer Papworth + Parker detailed in response to the previous issue.

We are aware of the requirements of clause 23 SEPP HSPD which ensure appropriate measures are put in place to separate the club from the residential areas of the proposed development in order to avoid land use conflicts. In this regard the pedestrian access point for the licensed area of the Club is located some 700 metres from the proposed development with an appropriate protocol document being prepared as component of the Development Application. The substantial spatial separation afforded between the Club and the proposed development will ensure that there will be no direct or unmanageable social or residential amenity land use conflicts arising as a consequence of the proposed development.

- ***Confirmation as to whether the proposal is serviced self care housing and the provision of details confirming compliance with Clause 26 location and access to facilities requirement of SEPP HSPD.***

Response: We confirm that the proposed development incorporates 115 self contained dwellings and ancillary services and facilities. The development is not serviced self care housing as defined as no nursing care is proposed on the site.

In relation to accessibility the application is accompanied by an accessibility report, dated July 2014, prepared by Accessibility Solutions (NSW) Pty Limited which has assessed the development against the applicable statutory considerations and contains the following conclusions:

Following a review of the site masterplan and location regarding access to public transport, shops and services it is my opinion that the proposed development location complies with the accessibility requirements of clauses 26 and 38(i) of the State Environment Planning Policy - Housing for Seniors or People with a Disability subject to;

- *The installation of a footpath from the site to connect with the existing Cabbage Tree Road footpath; and*
- *A footpath on Annam Road from Cabbage Tree Road to Kiah Close with kerb ramps to cross to the bus stop adjoining Bayview Village Gardens.*

With respect to on-site accessibility the masterplan illustrates an accessible site entry with continuous accessible paths of travel to all buildings and communal facilities in a manner that can be detailed to comply with AS1428 to satisfy Schedule 3 of the SEPP HS and relevant aspects of Part D3 of the BCA.

A copy of this Accessibility Report is attached and marked ANNEXURE 3.

- ***Compatibility in relation to desired future character, building height and scale and departures from the applicable Council and SEPP HSPD controls.***

Response: The subject site is located within the Mona Vale Locality Pursuant to Part A4 of Pittwater 21 Development Control Plan2014 (“P21DCP”). The desired future character of the locality is described as follows:

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental

impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any multi-unit housing will be located within and around commercial centres, public transport and community facilities.

Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to

assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Mona Vale Locality

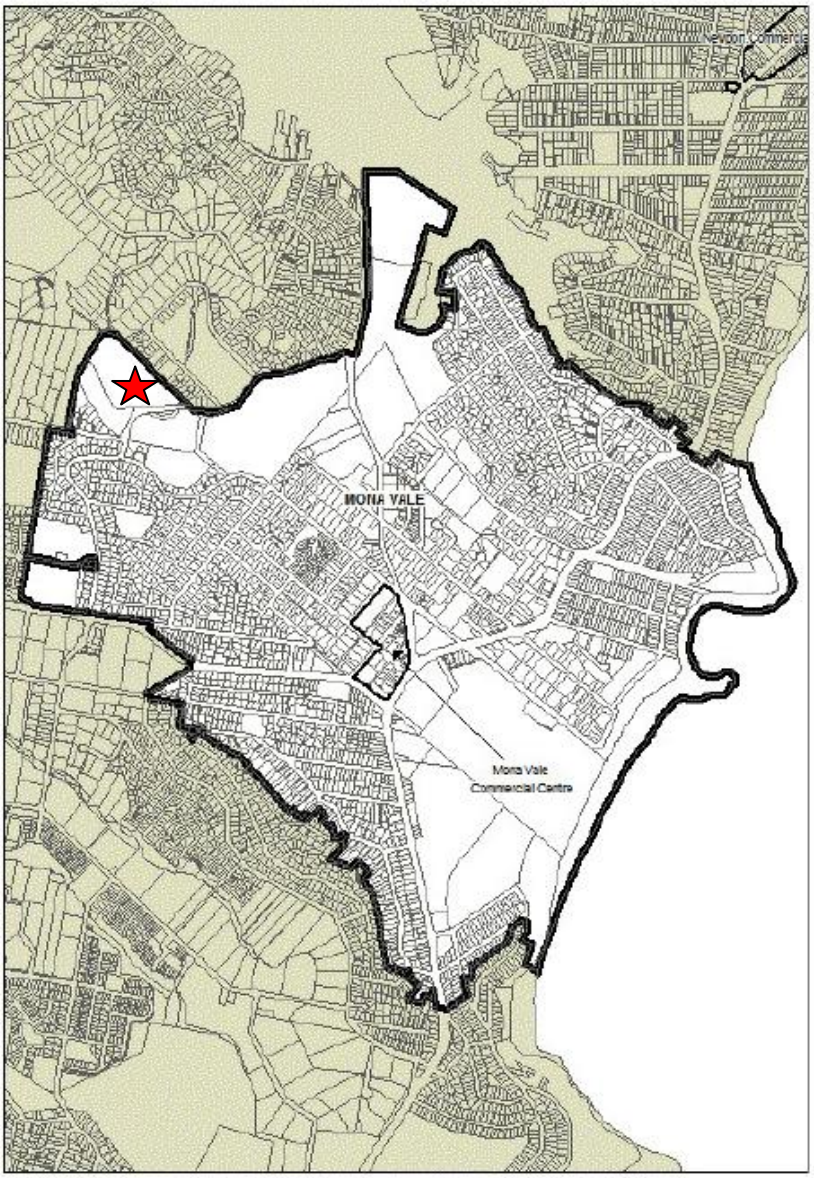

Figure 7 – Mona Vale Locality Map (P21DCP)

-

We note that the subject land is zoned RE2 Private Recreation and not low density residential to which a 2 storey height expectation would apply. Instead the desired future character statement states that other forms of development will:

> *maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new vegetation, including canopy trees, will be integrated with the development.*

The building form has been broken into 7 separate building elements to break up the massing of the development and enable the buildings to step down the site in response to topography. The buildings are predominantly 4 storeys in height with the upper floor displaying a constrained and recessive floor plate. The reception/ facilities building is 1 and 2 storeys in height to provide a low horizontally massed building to the street with Blocks E and F on the steeper western edge of the site, which is not readily visible when viewed form cabbage Tree Road or any immediate residential property, containing an additional level of accommodation again with a constrained and recessive floor plate.

The development will be extensive 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 landscape setting. The existing trees located along the eastern boundary of the golf course, between the 5th and 6th fairways and along the Cabbage Tree Road frontage of the property will be maintained to provide instant screening to the future development. Similarly the dense vegetation to the west of Blocks E and F will be maintained to screen these building elements as viewed from the west.

Accordingly the height and massing of the development and its relationship to existing and future landscaping is able to satisfy the desired future character statement. We note that the same can be said for the existing 3 and 4 storey mixed use and seniors housing development within immediate proximity of the site as reflected in the site analysis on page 3 of the Site Masterplan at ANNEXURE2.

We note that clause 40(4) SEPP HSPD building height standards do not apply to this form of housing on RE2 zoned land acknowledging that under such circumstances development is unlikely to reflect “infill” housing within an established residential setting and accordingly building height is to be considered on merit having regard to context and streetscape/ residential amenity consequences. This is the design approach adopted.

> *Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the*

> *natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

The development will be contemporary in nature utilising highly articulated and modulated building facade elements and treatment. The context is the guiding influence and the intent of the design is to respond to the existing cues provided by the environment and natural features available on the site. The built form will step down the site and follow the contours of the land and where possible the skilful use of topography will allow the roofs of buildings to be used as open communal space, gardens or private terraces. 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 body of documentation prepared in support of the application demonstrates that the identified hazards can be appropriately managed and do not serve as an impediment to the development of the land.

> *A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.*

These matters have been comprehensively addressed elsewhere in this submission with the development responding positively and appropriately to these outcomes.

Accordingly we have formed the considered opinion that the site is able to be developed in accordance with the desired future character statement for the Mona Vale Locality.

In relation to policy compliance we confirm that the development will comply with the non-discretionary development standards at Clause 40 of SEPP HSPD with justification able to be given for exceedence of the 2 storey building height and 0.5:1 FSR threshold standards at Clause 50 of SEPP HSPD on merit.

We note that the 0.5:1FSR threshold standard provides for a level of floor space consistent with that of a low density residential development given that the state policy seeks to effectively rezone land upon which a dwelling house is permissible to enable “infill” seniors housing. The subject proposed development is not located on residential zoned land upon which a dwelling is permissible and is not representative of “infill” housing within an established low density residential environment.

We also note that no FSR development standards apply to development within the Pittwater LGA and to that extent allowable floorspace is determined through compliance with the building envelope and footprint controls and acceptable streetscape and residential amenity outcomes.

The proposal provides for a gross floor area of 19707 square metres representing an FSR of 0.98:1. Of this floor space 3048 square metres is occupied by communal facilities. The FSR proposed not only reflects a complimentary and compatible development but the floor space requirements necessary to make the Waterbrook Seniors Housing model economically viable. Whilst not a relevant matter for consideration of the application it is certainly a circumstance of the case.

We note that the development provides a landscaped area as defined of 55% of the site area being well in excess of the minimum 30% SEPP HSPD threshold standard. The development therefore strikes a balance between providing a constrained building footprint which maximises landform and tree retention and future landscape opportunity and building height.

All future residential accommodation will be designed in strict accordance with SEPP 65 and the Residential Flat Design Code. The development complies with the applicable Pittwater Council LEP and DCP provisions to the extent that they do not derogate from the provisions of SEPP HSPD. This will be fully documented at development application stage.

The outcome achieved provides for a complimentary, compatible and contextually appropriate building form, will maintain appropriate residential amenity, will not be perceived as inappropriate or jarring in a streetscape or urban context and is consistent with the desired future character of the Mona Vale Locality and the applicable built form controls.

- ***Impact upon the character and amenity of the land and the land uses in the vicinity.***

Response: This matter has been dealt with previously in this submission. The amenity and use of the golf course will not be compromised. The significant spatial separation afforded to all surrounding residential properties and land uses will ensure that there will be no physical impact in terms of overshadowing, aural or visual privacy or view loss. The only impact will be that there will be buildings where currently there are none however as previously indicated these buildings will be predominately screened by existing retained intervening trees and proposed supplementary landscaping.

- ***Permissibility.***

Response: This issue has been addressed in detail in section 3.1 of this submission. SEPP HSPD applies to the land with permissibility determined through the granting of a Compatibility Certificate.

- ***Driveway location relative to crest in Cabbage Tree Road.***

Response: The application is accompanied by an initial traffic investigations report, dated 25th June 2014 (Addendum 29th July 2014), prepared by Traffic and Transport Planning Associates which conclude:

> *It is apparent that the preliminary development plans indicate that adequate appropriate and convenient access will be available and that there is nothing which will prevent a detail design being achieved which will be compliant with all relevant standards including AS2890.1, 2 and 6 etc. It is also apparent that the site is suitable for the form and intensity of the proposed development in terms of traffic and parking.*

> *...it is apparent that the proposed access location will be appropriate and will not have adverse traffic or safety implications to the operation of CT Road.*

- ***Preparation of a flood risk management plan and evacuation strategy.***

Response: the application is accompanied by a Pre-Development Flood Assessment, dated June 2014, prepared by Martens Consulting Engineers which assessed the likely impact of flooding on the proposed development. This document is attached and marked ANNEXURE 7. The report comprehensively addresses the issue of flooding and contains the following advice:

> *It is noted that FPL requirements are based on flooding conditions for the entire site. The development site is currently flood free in the 1% AEP and only partially inundated in the south eastern corner in the PMF. It is likely PMF extents can be reduced at DA stage with provision of specific site flood modelling and implementation of engineered solutions (culvert design, flow diversion etc) if this is required. Outcomes of this are likely to result in the site being flood free and change FPL requirements.*

The report also contains a preliminary Flood Evacuation Plan and determines that flooding is not a constraint to the future development of the proposed allotment.

5.0 Part C2 – Site Compatibility Criteria Statement

This section of the submission will detail the developments performance when assessed against the compatibility considerations contained at clause 25(5)(b) of SEPP HSPD and will demonstrate that the site is suitable for more intensive development and that such development is compatible with the surrounding environment.

> ***(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,***

These matters have been comprehensively addressed throughout this submission. The development is compatible with the natural environment, the continuation of the existing golf course use and land uses in the vicinity of the development.

> ***(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,***

Comment: The following uses are permissible with consent on the land:

> *Community facilities; Environmental facilities; Environmental protection works; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Signage*

The proposed use will not impact on the ability to use surrounding RE2 private recreation zoned land for the range of permissible uses identified. Development will be able to co-exist in harmony.

> ***(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,***

Comment: the application is accompanied by an accessibility report, dated July 2014, prepared by Accessibility Solutions (NSW) Pty Limited which has assessed the development against the applicable statutory considerations and contains the following conclusions:

> *Following a review of the site masterplan and location regarding access to public transport, shops and services it is my opinion that the proposed development location complies with the accessibility requirements of clauses 26 and 38(i) of the State Environment Planning Policy - Housing for Seniors or People with a Disability subject to;*
>
> - *The installation of a footpath from the site to connect with the existing Cabbage Tree Road footpath; and*
> - *A footpath on Annam Road from Cabbage Tree Road to Kiah Close with kerb ramps to cross to the bus stop adjoining Bayview Village Gardens.*
>
> *With respect to on-site accessibility the masterplan illustrates an accessible site entry with continuous accessible paths of travel to all buildings and communal facilities in a manner that can be detailed to comply with AS1428 to satisfy Schedule 3 of the SEPP HS and relevant aspects of Part D3 of the BCA.*

A copy of this Accessibility Report is attached and marked ANNEXURE 3.

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

Comment: The site is zoned R2 (private recreation) and currently forms part of Bayview Golf Course. The golf course reconfiguration master plan at ANNEXURE 14 demonstrates that 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.

(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,

Comment: This matter has been comprehensively addressed at clause 4.4 of this submission in response to Councils pre-lodgement minutes at ANNEXURE 11.

The built form outcome achieved provides for a complimentary, compatible and contextually appropriate building form, will maintain appropriate residential amenity, will not be perceived as inappropriate or jarring in a streetscape or urban context and is consistent with the desired future character of the Mona Vale Locality and the applicable built form controls.

In this regard it has been demonstrated that the bulk, scale, built form and character of the proposed development will not have any adverse impacts on the existing uses, approved uses and future uses of land in the vicinity of the development.

> ***(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.***

Comment: As previously indicated The application is accompanied by a flora and fauna assessment, dated 2nd July 2014, prepared by Footprint Green Pty Limited a copy of which is attached and marked ANNEXURE 5. The Executive Summary within the report contains the following commentary:

> *The subject site has an area of approximately 2 Ha and is previously been developed as a golf course, with mown grass and remnant trees lining the fairways.*
>
> *.....*
>
> *Surveys and habitat assessments have been undertaken using a range of techniques to identify flora and fauna and ecological communities that may occur or utilise the site.*
>
> *A number of threatened species listed on the Threatened Species Conservation Act 1995 (NSW) and/or the Environment Protection and Biodiversity Conservation Act 1999 (Cwith) have been recorded as occurring within 5km of the site. Those threatened species that have been recorded on the site or have some habitat relationships with the habitats on the site include:*

- *Bush stone-curlew;*
- *Gang-Gang Cuckatoo;*
- *Glossy Black-Cuckatoo;*
- *Little Lorikeet;*
- *Barking Owl;*
- *Powerful Owl;*
- *Eastern Bent-wing Bat;*
- *Eastern Freetail Bat;*
- *Grey-headed Flying-fox.*

Based upon assessments carried out in accordance with section 5A of the Environmental Planning and Assessment Act 1979 (NSW), the proposed subdivision and development will not have a significant impact on threatened species and populations listed in the schedules of the Threatened Species Conservation Act 1995 (NSW) nor on those specifies listed in the schedules of the Environment Protection and Biodiversity Conservation Act 1999 (Cwith).

Consideration has also been given to the application of State Environmental Planning Policy (SEPP) 44 Koala Habitat Protection. Based upon the assessments in this report the site is not considered to be core koala habitat for the purposes of SEPP 44.

Further, the application is accompanied by an arboricultural impact assessment, dated 30th June 2014, prepared by Footprint Green Pty Limited (ANNEXURE 6) which assesses the condition and significance of a number of trees within and adjacent the proposed allotment and assesses the potential impact of the proposed development on the identified trees.

The report identifies that of the several thousand trees located on the golf course and the 234 surveyed that 98 trees are proposed to be retained and 136 trees removed. Such tree loss is to be assessed having regard to the findings contained within the accompanying flora and fauna report.

The report concludes that provided the design protection measures identified in the arboricultural report are implemented and works are undertaken in a sensitive manner that the trees identified for retention can be satisfactorily retained. Reference is also made to Appendix A of the report which identifies opportunities for on course compensatory revegetation.

6.0 Part C3 – Additional Comments

The body of documentation prepared in support of the compatibility certificate application and subsequent development application will demonstrate that the site is suitable for a more intense form of development with the building height, FSR and landscape area proposed providing for a contextually appropriate and compatible building form and land use outcome on this particular site with the development not giving rise to any unacceptable streetscape, environmental or residential amenity outcomes.

This submission comprehensively addresses the Director General's Site Compatibility Certificate Application requirements and demonstrates that:

> *(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 there is no statutory impediment to the issuing of a Compatibility Certificate.

The application affords a unique opportunity to provide seniors housing of exceptional design quality which will provide greater housing choice for seniors and people with a disability on the Northern Beaches of Sydney. Do not hesitate to contact me should you have any questions or seek further supporting information.

Yours sincerely,

Boston Blyth Fleming Pty Limited

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director