

# Application for Site Compatibility Statement



## Bayview Golf Course – Seniors Living Proposal

52 Cabbage Tree Road, Bayview, NSW, 2104

Prepared on behalf of: Waterbrook Bayview Pty Ltd

**August 15, 2019**

## Document control

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### Project summary

<b>Applicant</b>	Waterbrook Bayview Pty Ltd
<b>Applicant's address</b>	L8/43 Bridge Street, Hurstville NSW 2220
<b>Land to be developed</b>	Bayview Golf Course, 52 Cabbage Tree Road, Bayview
<b>Legal description</b>	Various Lots (see Section 2.1)
<b>Project description</b>	Application for Site Compatibility Certificate for seniors housing proposal

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# Executive Summary

## Background

This application seeks a site compatibility statement for 85 seniors housing (serviced self-care housing) within the Bayview Golf Course.

Part of the land has been previously deemed to be suitable for a larger seniors housing development (95 dwellings), through the issuing of a SCC by Department of Planning and Environment on 27 March 2017.

A development application was lodged with the Northern Beaches Council in December 2017, which was refused by the Sydney North Planning Panel on 13 August 2018. The reasons for refusal included:

- inconsistency of the development with the SCC
- that the scale, bulk, and height, is incompatible with the existing and future character of the area
- biodiversity impacts
- visual impacts, and
- that the exceedance of the LEP height limit is not justified.

It is noted that the inconsistency with the SCC related to a minor discrepancy in the mapped building footprint and an error in the description of the development in the SCC.

One of the members of the panel recommended a number of amendments to the proposal, including that the length of buildings should be reduced, the extent of excavation for basement parking be reduced and height be limited to three storeys compatible with the existing height limit in the surrounding low density residential area.

A revised proposal was subsequently considered by the Land and Environment Court which incorporated the changes recommended by the panel member and reduced the yield from 95 to 85 dwellings. The Land and Environment Court refused the development application on the basis that it does not have power to grant development consent based on the existing SCC and it does not have power to amend SCC. No determination was made on the merit issues.

The SCC subsequently expired in March 2019.

## Site and context

The land which is subject of this application is the Bayview Golf Course which comprises 37.55ha located to the north and south of Cabbage Tree Road approximately 1km to the north of Mona Vale town centre.

An indicative 1.8ha building footprint has been identified in the northern portion of the golf course to the north of Cabbage Tree Road.

It is noted that some works to support the seniors housing development will be located outside the building footprint, such as site access arrangements on Cabbage Tree Road, bushfire asset protection zones, and planting of trees and vegetation to enhance the visual screen to existing dwellings. The ongoing management arrangements of these areas would be determined at development application stage.

An indicative development footprint has also been identified which covers the building footprint area and the additional areas which are expected to form part of the overall development. It is noted that, in addition to the indicative development footprint, parts of the whole golf course may also be used for revegetation works to mitigate any biodiversity impacts.

The final development extent would be determined at the development application stage and will be generally consistent with the development footprint outlined in this report. For this reason the operation of any site compatibility certificate should apply to the whole golf course site.

The indicative building footprint will continue to be surrounded by golf course land. It has been located to maximise separation distances with surrounding residential uses and bushland to the west of the golf course. The setback to adjoining residential uses ranges from 39m to over 132m, and the setback to the bushland is a minimum of 70m. This is significantly greater than the typical settlement pattern in the locality and significantly exceeds that of several existing senior housing developments in the surrounding area.

The local built form character comprises a mix of one and two storey single dwelling houses and two to three storeys medium density seniors housing developments and apartment buildings. The surrounding built form is typically located within a leafy setting with landscaped gardens and large trees located within streets and individual lots.

## The proposal

The proposal is for a seniors housing (serviced self-care housing) development comprising:

- 85 serviced self-care dwellings and ancillary facilities
- seven separate buildings of a maximum of three storeys
- a maximum height of 8.5m
- a total gross floor area of 18,449sqm
- basement parking for 161 cars, loading and servicing
- landscaping including creation of communal open space
- construction of a road linking the proposed development to Cabbage Tree Road and construction of a roundabout on Cabbage Tree Road, along with an associated pedestrian crossing
- construction of a separate pedestrian pathway from the site to the existing footpath on Cabbage Tree Road and along Annam Road to Kiah Close with kerb ramps to provide access to the bus stop opposite Bayview Gardens
- extension / augmentation of services and utilities to service the development
- establishment and management of bushfire asset protection zones, and
- signage adjacent to the roadway entrance.

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

The proposal subject of this SCC application has been amended since the previous SCC was issued, to enhance its compatibility with the surrounding area including to:

- reduce the number of dwellings from 95 to 85
- reduce the overall height to three storeys with all buildings within the 8.5m height control under the Pittwater LEP
- reduce the building footprint and provide greater separation distances between buildings, and
- reduce the car parking and area of excavation for the basement car park.

To support the seniors housing development, the existing golf course will be upgraded to improve its playability and environmental qualities and maintain the existing 18 holes. Whilst these works are not directly relevant to this application for a SCC, they demonstrate that the private recreation value of the golf course will be maintained.

## Seniors Housing SEPP Considerations

Clause 4(1) of the SEPP sets out that the SEPP applies to:

*land zoned primarily for an urban purpose or land that adjoins land that is zoned for an urban purpose but only if:*

- *development for the purpose of any of the following is permitted on the land: dwelling houses, residential flat buildings, hospitals, development of a kind identified in respect of land zoned as special uses, or*
- *the land is being used as an existing registered club.*

The site, being Bayview Golf Course, directly adjoins land zoned for urban purposes, being R2 Low Density Residential, R3 Medium Density Residential and B1 Neighbourhood Centre. The site is also being used for the purposes of an existing registered club, being Bayview Golf Course.

Clause 24 of the Seniors Housing SEPP requires a SCC to be issued by the relevant planning panel prior to approval of a development application. The SCC is required to certify that in the opinion of the relevant planning panel:

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

This application is supported by extensive technical studies that demonstrate that the site can support more intensive development. These are discussed under the key considerations heading below.

The proposal is also considered to be compatible with the surrounding environment, including having regard for the criteria specified in clause 25(5)(b) of the Seniors Housing SEPP, as summarised below.

- The built form and character of the proposed development is considered to be compatible with the surrounding area, which currently comprises a mix of one and two storey single dwellings and two to three storeys medium density seniors housing developments and apartment buildings. Further, the bulk and scale of the development has been reduced to enhance compatibility including to limit all development to 8.5m consistent with the Pittwater LEP.
- The proposal is compatible with the natural environment. Environmental hazards including geotechnical, flooding and bushfire can be appropriately managed. Impacts on biodiversity can be managed through appropriate offsets and measures to enhance wildlife corridors within the golf course.
- The existing use as a golf course is proposed to continue in the future, with the course reconfigured to accommodate the seniors housing whilst maintaining and enhancing its private recreation function.
- The proposed development will have excellent access to services and facilities in Mona Vale Town Centre and can meet the locational and access requirements of the Seniors Housing SEPP.

## Strategic justification

The proposal for seniors housing (serviced self-care housing) in this location is consistent with a number of State and local planning strategies including:

- The Greater Sydney Region Plan
- The North District Plan
- Shape 2028 – Northern Beaches Community Strategic Plan
- The Pittwater Local Planning Strategy



The proposal aligns with these strategies by contributing to housing supply targets, enhancing the diversity of housing choices in the area, and increasing the supply of seniors housing in accordance with the Seniors Housing SEPP.

The proposal will provide much needed supply of seniors housing for independent living within the Northern Beaches area. The need for additional seniors housing in this area of Sydney has been well documented.

In 2016, NSW Family and Community Services released the NSW Northern Sydney Ageing Strategy in response to projected high growth of people aged 65 and over from 15% in 2011 to 18% in 2031.

The Strategy found there is a limited supply of housing to accommodate the changing needs of older people including independent living and that there is a need to increase the supply of housing for older people in the area.

Further, the Department of Planning and Environment Population Projections released in 2016 indicated that population growth of the over 65 age group in the area will continue to be high.

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

The proposal will play an important role in supporting the supply of seniors housing and enabling older people in the area to 'age in place' and is therefore considered to be in the public interest. The proposal will also support the ongoing viability of the Bayview Golf Club, enabling it to continue to provide a valuable private recreation function for the area into the future.

## **Key considerations**

The proposal is supported by extensive technical studies which are summarised below:

- The proposal will have minimal visual impact on the surrounding area as a result of its location, the bulk and scale of built form, and the screening that will be provided by existing and proposed vegetation.
- The loss of vegetation associated with the proposal can be offset in accordance with the Biodiversity Offsets Scheme, and opportunities have been identified to increase the existing 6.86ha of fragmented degraded wildlife corridors within the golf course.
- The proposal will not have any adverse traffic impacts and all parking will be accommodated within a basement car park.
- Bushfire hazard can be appropriately managed through maintenance of asset protection zones and additional management measures within the geotechnical hazard area. The proposed access arrangements are also suitable for bushfire evacuation.
- The building footprint will be entirely flood free during the probable maximum flood post development, and no further consideration is required of emergency response provisions other than for the site to adopt a shelter-in-place strategy for its residents.
- Stormwater flows can be appropriately managed through on-site detention and a series of stormwater treatment measures to meet relevant council requirements.
- No identified Aboriginal or European heritage items would be impacted by the proposal, and potential impacts on Aboriginal archaeological heritage can be managed during construction.
- Existing utility services along Cabbage Tree Road can be extended to service the site.

- The proposed development is considered to constitute an acceptable risk to life and a low risk to property resulting from geotechnical hazards and is considered acceptable provided specific recommendations are implemented at the development stage.
- An acid sulfate soils management plan would be prepared at the development application stage to ensure that acid sulfate soils at the south of the site are appropriately managed.
- Contamination investigations carried out indicate that all contaminant concentrations are below the adopted site assessment criteria and it was concluded that the area is suitable for the proposed development.
- The proposal would not adversely impact on the acoustic privacy of surrounding residential uses given the distances involved and subject to recommendations for operating arrangements for the proposed restaurant, bar and café, and requirements for the design of mechanical plant equipment.

## Conclusion

The proposal is considered to meet all requirements of the Seniors Housing SEPP in relation to SCCs. In particular, this report demonstrates that the site is suitable for more intensive development, that it is compatible with the surrounding environment and consistent with the local character of the area.

The proposal will contribute to local housing supply and enhance the diversity of housing in the area, whilst meeting the identified high demand for this type of seniors housing. It will also enable upgrades to the Bayview Golf Course to ensure the clubs financial resilience and its long term viability as an important private recreation facility for the Northern Beaches area.

# 1 Background

## 1.1 Project chronology

The site has been subject of extensive previous planning processes. In particular, a previous Site Compatibility Certificate (SCC) was issued by the Department of Planning and Environment in March 2017 for 95 in-fill self-care units and ancillary facilities for seniors living. The SCC required seniors housing to be limited to an identified development footprint area, with reference to a map.

A development application for seniors housing (serviced self-care housing) comprising 85 dwellings and ancillary facilities was subsequently refused by the Land and Environment Court in March 2019. This was on the basis that the proposal was inconsistent with the SCC. This inconsistency related to:

- an incorrect description of the development being 'in-fill self-care units' rather than 'serviced self-care housing' as proposed by the development application, and
- a reference to a map which incorrectly located the development footprint.

Further, there was some question around whether ancillary land uses (such as bushfire asset protection zones) were permissible outside the identified development footprint.

This has led to the applicant making a further SCC application for the site. A detailed project chronology is provided in Table 1 below.

**Table 1: Chronology**

Date	Description
August 2014	Application for SCC lodged with DPE.
6 January 2015	SCC application refused on basis on inconsistency with surrounding character (being two storey single detached in a heavily landscaped area), flooding and biodiversity.
February 2016	Revised SCC application lodged with DPE including: <ul style="list-style-type: none"> <li>• reduced height from 5 storeys to 3-4 storeys</li> <li>• reduced footprint and bulk</li> <li>• increased landscaping</li> <li>• further consideration of flood issues, and</li> <li>• reduced vegetation removal and revegetation to ensure a net increase in wildlife corridor vegetation.</li> </ul>
27 March 2017	DPE issues a Site Compatibility Certificate (SCC) to permit 95 in-fill self-care units and ancillary facilities for the purposes of seniors living (Appendix V)  The SCC identified a site boundary and required the final layout and number of units to be determined having consideration of urban design and built form matters, flood risk, car parking and access, and potential ecological impacts. The site compatibility was valid for two years from the date of issue.
19 December 2017	A development application (DA2017/1274) was lodged with Northern Beaches Council for the golf course upgrade and seniors housing development comprising 95 dwellings.
8 August 2018	Sydney North Planning Panel considered the DA.
13 August 2018	The Sydney North Planning Panel refused the DA. The panel's reasons for refusal included:

Date	Description
	<ul style="list-style-type: none"> <li>inconsistency of the development with the SCC</li> <li>that the scale, bulk, and height, is incompatible with the existing and future character of the area</li> <li>biodiversity impacts</li> <li>visual impacts, and</li> <li>that the exceedance of the LEP height limit is not justified.</li> </ul> <p>One member of the panel considered that the length of buildings should be reduced to provide greater breaks to be provided between buildings, the extent of excavation for basement parking reduced and height limited to three storeys.</p>
21 August 2018	Appeal lodged with the Land and Environment Court. The proposal was amended to reduce the building lengths resulting in the removal of a number of ground floor dwellings connecting proposed blocks reducing the yield to 85 dwellings, reduced basement excavation and reduction in car parking, reducing the development to three storeys and lowering the development to comply with the height LEP height limit of 8.5m.
1 October 2018	Amendments made to the <i>State Environmental Planning Policy (Seniors Housing) 2004</i> (Seniors Housing SEPP) to introduce new rules for SCC including that a certificate cannot be varied to cover additional land (clause 25(10)).
26 November 2018	Waterbrook lodged an application to amend the SCC to: <ul style="list-style-type: none"> <li>replace the description of the type of self-contained dwellings from 'in-fill self care dwellings with ancillary services' to 'serviced self care housing'</li> <li>note that the asset protection zone extends beyond the boundaries of the footprint area, and</li> <li>correct the mapping error in the current SCC as to the location of the building footprint area.</li> </ul>
22 March 2019	<p>The Land and Environment Court refused the development application on the basis that it does not have power to grant development consent based on the existing SCC and it does not have power to amend SCC.</p> <p>A number of other issues raised by Council were discussed in the court proceedings however the Court did not consider these issues on the basis that it has no power to determine the development application.</p>
27 March 2019	Previous Certificate of Site Compatibility expired.

## 1.2 Objectives of the proposed development

The economic viability of the Bayview Golf Course has declined in recent years, and the golf course is in need of substantial upgrades to ensure that it continues to meet an appropriate playing standard. A statement has been prepared by Bayview Golf Club (Appendix F) which highlights that the golf club is currently in a fragile financial position. It outlines that the proposal to develop part of the site for a seniors housing development and to upgrade the golf course, including 18 new greens and tees and mitigation of flooding of the fairways, will improve member retention and encourage new members whilst enabling the club to remain open for an additional 20 days per year, resulting in additional revenue and secure local employment. .

Accordingly, the proposal seeks to achieve a seniors housing outcome on the site to increase the supply of this type of housing in the locality whilst enabling upgrades to the golf course to ensure the clubs financial resilience and its long term viability while maintaining a full 18 hole course.



## 2 Site and context analysis

### 2.1 The land for the purposes of the SCC application

This SCC application applies to the Bayview Golf Course which is located at the suburbs of Bayview and Mona Vale in Sydney's Northern Beaches. The land comprises 37.55ha (shown at Figure 1) located to the north and south of Cabbage Tree Road approximately 1km to the north of Mona Vale town centre. The key features of the area are outlined in Table 2.

**Table 2: Land description**

Item	Details / Description		
Land description	Lot A DP 339874 Lot 1 DP 986894 Lot 2 DP 986894 Lot 3 DP 986894	Lot 150 DP 1003518 Lot 5 DP 45114 Lot 7 DP 45114 Lot 1 DP 662920	Lot 300 DP 1139238 Lot 191 DP 1039481 Lot 1 DP 19161 Lot 6 DP 45114
Land area	37.55 hectares		
Existing use	The land is currently used as a private golf course which has 1,600 members.		
Vegetation / landscaping	The vegetation on the golf course comprises greens, tees and open mown grass fairways which are lined by trees on either side. Denser vegetation is located along the western boundary and along the frontage to the north and south of Cabbage Tree Road. The majority of trees are indigenous species, with some exotic and non-indigenous plantings.		
Built form	The main club house building is located near the south eastern boundary of the site adjacent to the intersection of Pittwater Road and Mona Street. A series of maintenance sheds are also located on the south side of Cabbage Tree Road.		
Vehicle access	The main public access to the golf club is via a roundabout at the corner of Pittwater Road and Mona Street. There is also a private access point on Cabbage Tree Road to the north and south of the maintenance sheds.		

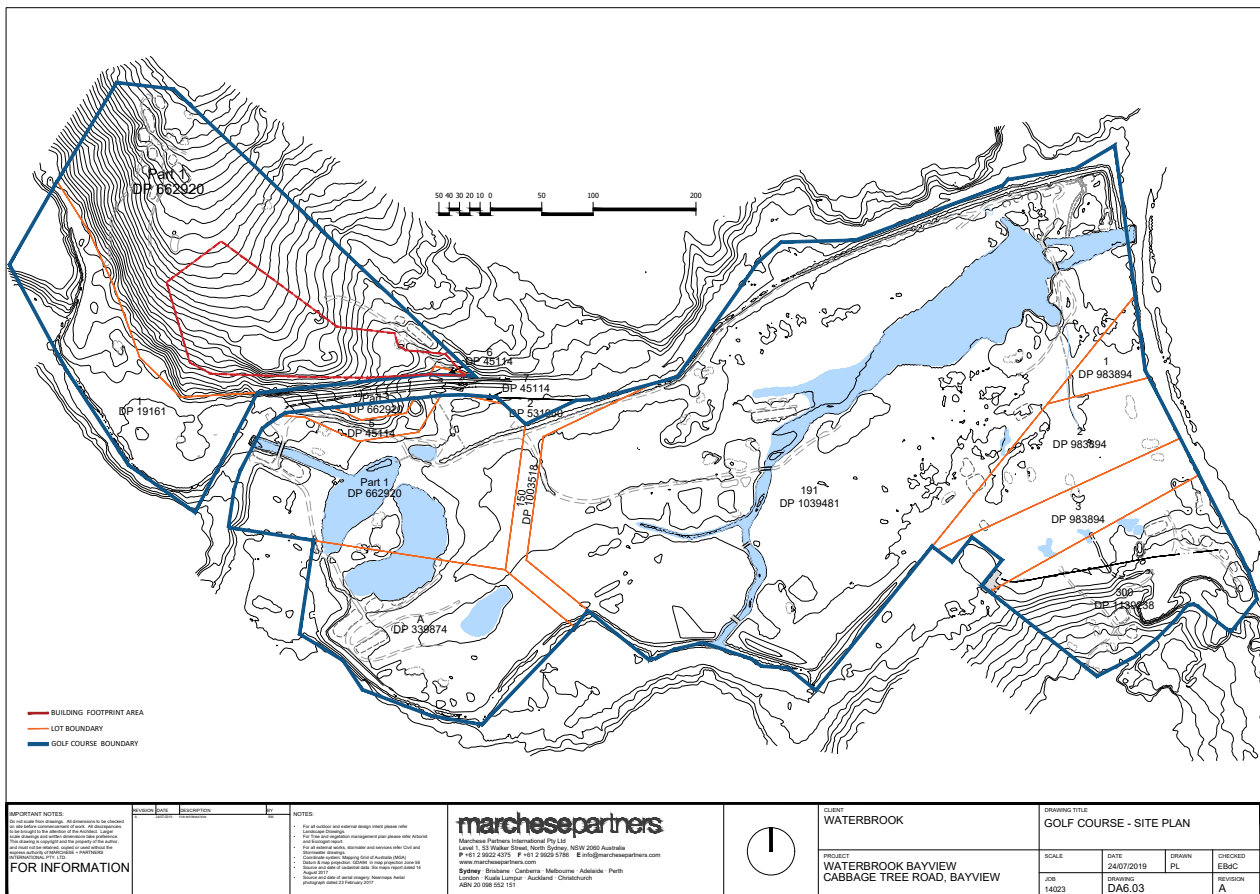


Figure 1: Bayview Golf Course Land (Marchese 2019)

## 2.2 Seniors housing indicative footprint

An 1.8ha indicative building footprint has been identified (shown at Figure 1 and Figure 2).

It is noted that some development to support the seniors housing will be located outside the building footprint, such as site access arrangements on Cabbage Tree Road, bushfire asset protection zones, planting of trees and vegetation to enhance the visual screen to existing dwellings, and revegetation works. The management arrangements of these areas would be determined at development application stage.

An indicative development footprint (Figure 3) has also been prepared which covers the building footprint area and the additional areas which are expected to form part of the overall seniors housing development. It is noted that, in addition to the indicative development footprint, parts of the whole golf course may also be used for revegetation works to mitigate any biodiversity impacts.

The final development extent would be determined at the development application stage, and will be generally consistent with the development footprint shown at Figure 3. For this reason the operation of any site compatibility certificate should apply to the whole golf course site.

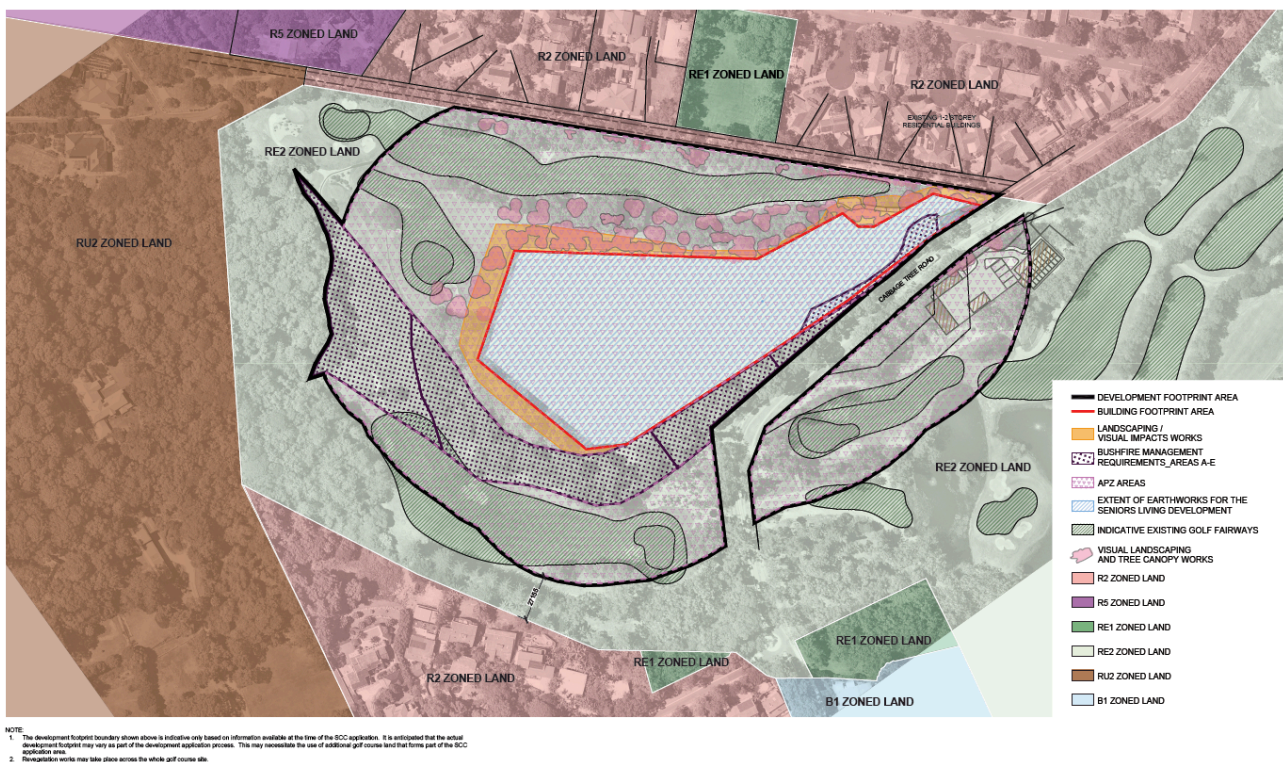
It is important that the SCC cover all parts of the land which may be used for seniors housing development, for example the use of the land as an asset protection zone is a form of development under the *Environmental Planning and Assessment Act 1979*. If the SCC does not include such land, the use will not be permissible in the RE2 Public Recreation land.

The building footprint includes part of existing fairways four and five and adjacent vegetation. The area slopes upward from the south and west towards the north. The slope of this land is relatively steep being approximately 14% with levels ranging from approximately RL3.00 at Cabbage Tree Road to approximately RL28.





**Figure 2: Seniors Housing Indicative Building Footprint (Marchese 2019)**



**Figure 3: Seniors Housing Indicative Development Footprint (Marchese 2019)**





*Figure 4: Building footprint viewed from Cabbage Tree Road (FPD Planning)*



*Figure 5: View across the building footprint from the east (FPD Planning)*





*Figure 6: View from the building footprint to dwellings on the northern boundary of the Golf Course (FPD Planning)*



*Figure 7: View towards the Geotechnical Constraint area to the south of the building footprint (FPD Planning)*

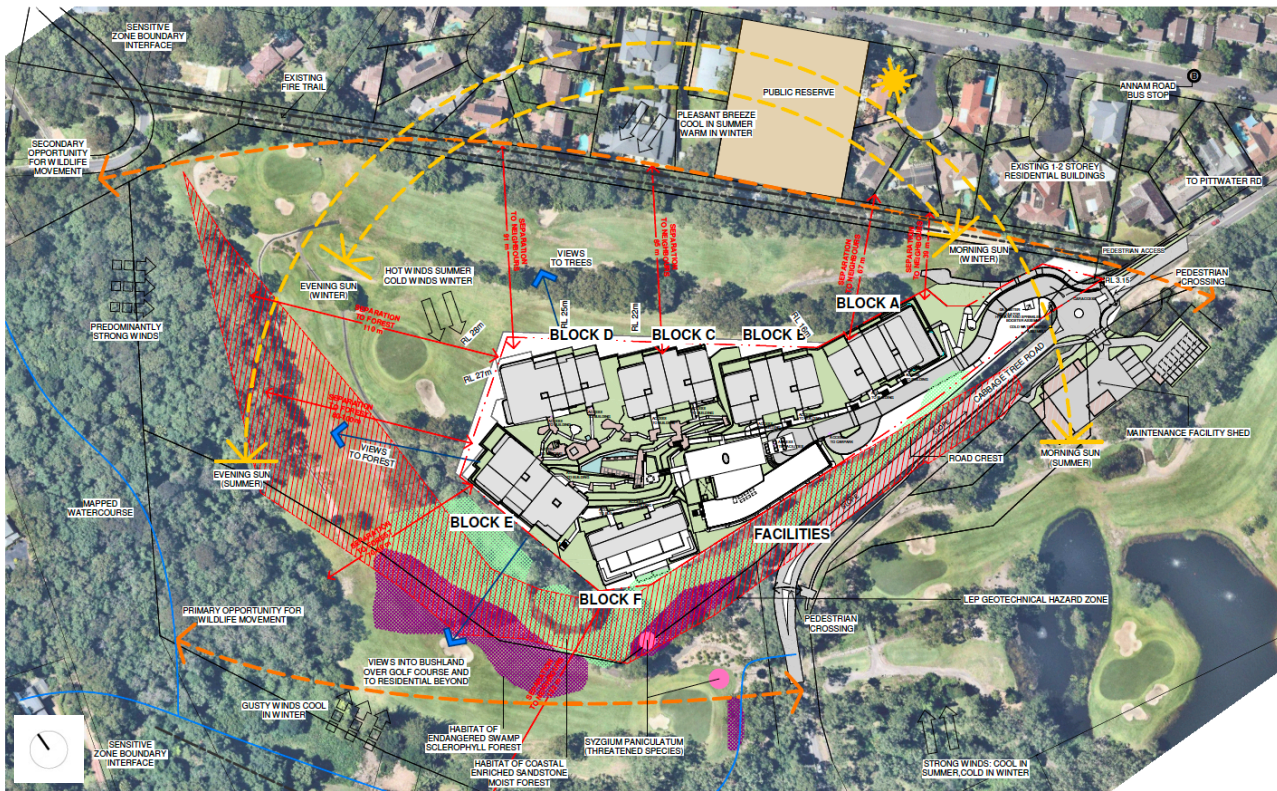
## **2.3 Surrounding land uses**

The indicative building footprint is located to the north of Cabbage Tree Road and will continue to be surrounded by golf course land. It has been located to maximise the setback from surrounding residential uses and bushland to the west of the golf course.



The nearest residential lots are located to the east of the building footprint, and have their rear boundaries facing the golf course. The nearest neighbour in this direction is located 39m from the building footprint on Kiah Close, with setbacks ranging up to 91 metres along this frontage. A public reserve is also located along this boundary over 65m from the building footprint.

Residential uses are also located to the south west beyond the golf course fronting Cabbage Tree Road, with the nearest neighbour being 132m from the building footprint. To the north west of the golf course is an area of dense bushland. The building footprint has been located to provide a minimum setback of 70m to the bushland and ranging up to 110m. The setbacks to surrounding uses are shown in Figure 8.



**Figure 8: Surrounding land uses (Marchese 2019)**

## 2.4 Local context and built form character

The local built form character comprises a mix of one and two storey single dwelling houses many of these are large dwellings on large lots with heavily vegetated curtilages. Also located in the area are significant numbers of two to three storeys medium density seniors housing developments and apartment buildings. The surrounding built form is typically located within a leafy setting with landscaped gardens and large trees located within streets and individual lots.

The nearby single dwellings include numerous large two storey dwellings situated relatively close to the street as illustrated in Figure 9 and Figure 10. Several of these dwelling read as three storey from the street due to the steep slope and car parking located beneath the dwelling, see Figure 11.

The closest seniors housing development is Bayview Gardens approximately 150m to the east of the building footprint (Figure 12). The development comprises two storey townhouses and three storey independent living and serviced apartments and a respite care facility. This development is located within a leafy landscaped setting.

Three storey apartment buildings are located approximately 200m to the south of the building footprint adjoining golf course land at 50-60 Parkland Road Bayview near the corner of Parkland Road and Samuel



Street (Figure 15 and Figure 16). These developments are located close to the street frontage with limited street planting as a result of angle car parking on the Parkland Road frontage.

Other seniors housing developments are located in the wider area including Peninsula Gardens and Minkara Retirement Resort. Peninsula Gardens is approximately 600m to the south west of the building footprint and comprises 3 storey development. Minkara is located approximately 1km to the north of the building footprint and comprises 3-4 storey development.



**Figure 9: Single dwellings on Cabbage Tree Road to the east of the building footprint (FPD Planning)**



**Figure 10: Single dwellings on Cabbage Tree Road to the east of the building footprint (FPD Planning)**





*Figure 11: Three storey dwelling on Cabbage Tree Road (FPD Planning)*



*Figure 12: Bayview Gardens Retirement Village (Google maps)*





**Figure 13: Minkara Retirement Resort, Minkara Road (FPD Planning)**



**Figure 14: Minkara Retirement Resort, looking East from Minkara Road**





*Figure 15: 60 Parkland Road, Mona Vale (source: Google maps)*



*Figure 16: 50 Parkland Road, Mona Vale (source: Google maps)*



## 2.5 Options analysis for the location of seniors housing

A number of potential options were considered for locating seniors housing within the Bayview Golf Course, which were identified having consideration of the following criteria:

- minimising impact on surrounding neighbours
- location on land identified as flood free, and
- ability to satisfy any biodiversity issues

Only two locations were identified as being flood free, being the location identified in this proposal and the existing club house (Figure 17). Of these options, it was considered that redevelopment of the existing club house would have a much greater impact on the visual amenity of adjoining dwellings, with 34 apartments located directly adjacent to and overlooking the golf course (Figure 18).

Further, this option presented financial viability issues associated with the need to demolish a newly completed club house building to construct a new club house integrated with seniors housing, and the associated implications for the ongoing operations of the club.

The preferred location, which is subject of this application, was identified as the preferred option, given the potential to provide substantial setbacks to existing residential uses, and the visual screening provided by existing vegetation.

Whilst the preferred location had more vegetation and potential biodiversity issues it was considered that these could be appropriately managed.



*Figure 17: Club house site (source: Google maps)*



*Figure 18: Apartments adjacent to the club house (source: Waterbrook)*

## 3 The proposal

### 3.1 Overview

The proposal is for a seniors housing (serviced self-care housing) development comprising:

- 85 serviced self-care dwellings and ancillary facilities
- seven separate buildings of a maximum of three storeys
- a maximum height 8.5m
- a total gross floor area of 18,449sqm
- basement parking for 161 cars, loading and servicing
- landscaping including creation of communal open space
- construction of a road linking the proposed development to Cabbage Tree Road and construction of a roundabout on Cabbage Tree Road, along with an associated pedestrian crossing
- construction of a separate pedestrian pathway from the building footprint to the existing footpath on Cabbage Tree Road and along Annam Road to Kiah Close with kerb ramps to provide access to the bus stop opposite Bayview Gardens
- extension / augmentation of services and utilities to service the development
- establishment and management of bushfire asset protection zones, and
- signage adjacent to the roadway entrance.

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

The proposed buildings would be located within the indicative building footprint as illustrated at Figure 2, however it is noted that the development itself will extend outside the building footprint onto the broader land. This additional development includes access arrangements, bushfire asset protection zones and tree planting/vegetation. The management arrangements of these areas outside the indicative building footprint would also be determined at development application stage.

The proposed site layout and built form is detailed in Appendix A, and the landscaping plans are provided at Appendix B.

### 3.2 Requested SCC

The SCC sought through this application is for a seniors housing (serviced self-care housing) development comprising 85 serviced self-care dwellings and ancillary facilities to a maximum height of 8.5 metres on the Bayview Golf Course. The SCC should reference the Bayview Golf Course land as shown in Drawing DA6.03 (Marchese Partners, 27 March 2019).

The SCC should not be restricted to the indicative building footprint area. However the SCC could note that the built form be generally located within the building footprint area (Drawing DA6.02, Marchese Partners, 27 March 2019) with the final location to be determined at the development application stage).

### 3.3 Amendments from the previous SCC

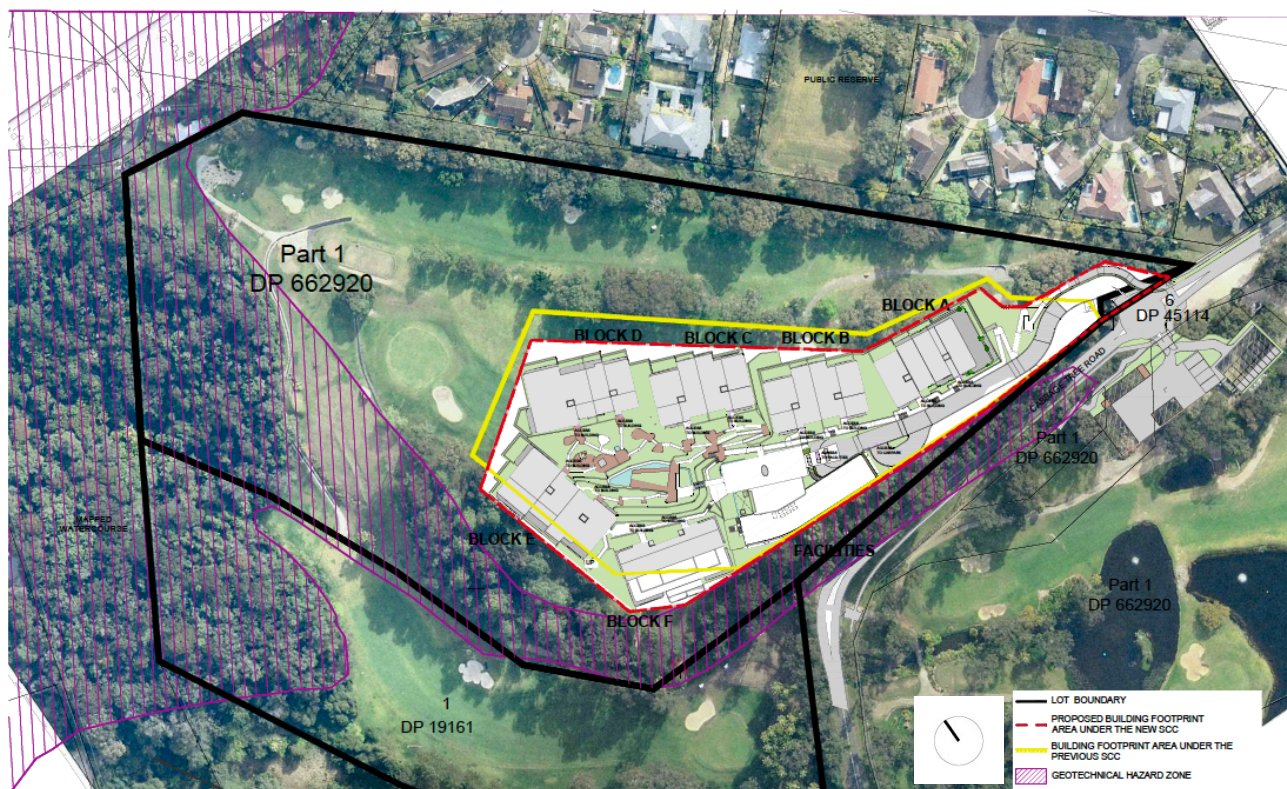
A SCC was approved by the Department of Planning and Environment on the 27 March 2017 for 95 in-fill self-care units and ancillary facilities for the purposes of seniors living (Appendix V). The SCC was valid for two years from the date of issue and has now expired.

A number of changes have been made to the proposal as a result of the consideration of a development application by Northern Beaches Council and the Sydney North Planning Panel. These include:



- amendment of the building footprint to correct a mapping error in the previously approved SCC
- reduction of the total number of self-care dwellings from 95 to 85
- reduction of height to three storeys with all buildings within the 8.5m height control applying to the surrounding area under the Pittwater LEP
- greater separation between the buildings through reduced building footprints
- removal of the western portion of the facilities building reducing the building footprint by 85sqm,
- reduced car parking from 186 to 161 spaces reducing the area required for basement car parking excavation, and
- a refined landscaping scheme providing:
  - updated paths, steps, ramps, retaining walls, and levels
  - increased deep soil zone, and
  - retention of an additional 12 trees previously proposed for removal (tree removal reduced to 147 from 159 under the previous proposal).

A comparison of the revised indicative building footprint is provided in Figure 19. It is noted that the revised building footprint continues to be located outside the area identified as geotechnical hazard under the Pittwater LEP.



**Figure 19: Comparison of amended indicative building footprint area (Marchese 2019)**

### 3.4 Golf course works

To support the seniors housing development, the existing golf course is proposed to be reconfigured and upgraded to improve its playability and environmental qualities. Whilst these works are not directly relevant to this application for a SCC (as they are permissible in any event), they demonstrate that the private recreation value of the golf course will be maintained. The proposed works include reconfiguration of the golf course to retain all 18 holes and accommodate the seniors housing development



## 4 Statutory context

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

The *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) sets out a framework to encourage development to increase the supply and diversity of housing that meets to needs to seniors or people with disabilities.

#### 4.1.1 Aims of the Seniors Housing SEPP

The aims of the Seniors Housing SEPP are to encourage the provision of housing (including residential care facilities) that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability
- make efficient use of existing infrastructure and services, and
- be of good design.

The proposed seniors housing development is consistent with the aims of the Seniors Housing SEPP. It will increase the supply of seniors housing in the local area and will enhance the diversity of this type of accommodation by providing high quality serviced self-care housing suitable for local residents seeking to downsize from large single dwellings.

The proposal makes efficient use of infrastructure and services being well located near Mona Vale town centre with good accessibility to the centre via the route 155 bus. The accesses to services and facilities is further discussed in Section 8.3. Utility infrastructure in the surrounding streets can also be extended to service the development as discussed in Section 8.10.

The proposed development is a high quality design having been prepared by the highly regarded architects, Marchese. It has been developed to respond to the context and surrounding sensitive uses and the built form, materials and landscaping are compatible with the character of the surrounding area. This is discussed further in Section 8.1 and is supported by a design verification statement outlining consistency with the design quality principles of the Apartment Design Guide (Appendix H).

#### 4.1.2 Application of Seniors Housing SEPP

Clause 4(1) of the SEPP sets out that the SEPP applies to:

***land zoned primarily for an urban purpose or land that adjoins land that is zoned for an urban purpose but only if:***

- *development for the purpose of any of the following is permitted on the land: dwelling houses, residential flat buildings, hospitals, development of a kind identified in respect of land zoned as special uses, or*
- ***the land is being used as an existing registered club.***

The land, being the Bayview Golf Course, directly adjoins land zoned for urban purposes, including land zoned R2 Low Density Residential, R3 Medium Density Residential and B1 Neighbourhood Centre.

The land is also being used for the purposes of an existing registered club, being Bayview Golf Club. This meets the definition of existing registered club in the Seniors Housing SEPP being that a certificate of registration under the *Registered Clubs Act 1976* must be in force, and it must have been in existence since immediately before that date of Amendment 2 to the Seniors Housing SEPP (12 October 2007).

Clause 4(6) states the Seniors Housing SEPP does not apply to environmentally sensitive land. Schedule 1 of the SEPP sets out environmentally sensitive land as land identified by another environmental planning

instrument by any of the descriptions listed in schedule 1 or a 'like description'. The list in schedule 1 includes open space, natural hazard, conservation and environmental protection.

The land includes land identified by the Pittwater LEP as Biodiversity and Geotechnical Hazard.

Legal advice has been provided by Mills Oakley (Appendix E) which establishes that the Biodiversity designation in the Pittwater LEP is not consistent with environmentally sensitive land as it not described Schedule 1, and the descriptions in Schedule 1, including conservation and environmental protection, are not 'like descriptions'. This is consistent with two recent decisions of the Land and Environment Court (Australian Nursing Home Foundation v Ku-ring-gai Council and Rosewood Australia Pty Ltd v Ku-ring-gai Council).

The Land and Environment Court has previously found that the description of Geotechnical Hazard used in the Pittwater LEP is not a 'like description' of the expression of 'natural hazard' in Schedule 1 of the Seniors Housing SEPP (Whittaker v Northern Beaches Council).

The seniors housing building footprint is located outside the Geotechnical Hazard, however it is noted that these areas are proposed to be managed to minimise bushfire hazard (and therefore form part of the development), as outlined in Section 8.6.

#### **4.1.3 Permissibility of serviced self-care housing requirements**

The proposal is for serviced self-care housing which is defined by the Seniors Housing SEPP as:

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

Clause 17 of the Seniors Housing SEPP sets out that serviced self-care housing can be carried out on land that adjoins land this is zoned primarily for urban purposes, if it is provided as a retirement village, within the meaning of the *Retirement Villages Act 1999*, being that it is *predominantly or exclusively occupied, or intended to be predominantly or exclusively occupied, by retired persons who have entered into village contracts with an operator of the complex.*

The proposed development, being serviced self-care housing to be operated as a retirement village, within the meaning of the *Retirement Villages Act 1999*, is permissible under the Seniors Housing SEPP.

Additional requirements are set out in Part 5 of the SEPP Seniors Housing for access to services for serviced self-care housing on land adjoining land zoned primarily for urban services which are addressed in Table 3.

#### **4.1.4 Requirement for a Site Compatibility Certificate**

Clause 24 of the Seniors Housing SEPP requires a SCC to be issued by the relevant planning panel prior to approval of a development application. The SCC is required to certify that in the opinion of the relevant planning panel:

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

This application is supported by extensive technical studies that demonstrate that the site can support more intensive development. These are outlined in Section 8 and provided as appendices to this report. The site compatibility criteria in Clause 25(5)(b) of the Seniors Housing SEPP are considered Section 9.

#### 4.1.5 Consideration of Seniors Housing SEPP provisions

A detailed consideration has been provided of all relevant provisions of the Seniors Housing SEPP in Table 3. The access requirements of the SEPP are addressed in further detail the access assessment report (Appendix T) prepared by BCA Logic (April 2019) and the site accessibility report (Appendix U) prepared by Accessibility Solutions (June 2019).

**Table 3: Consideration of Seniors Housing SEPP**

SEPP provision	Consideration
Clause 23 Development of land used for the purposes of an existing registered club	
Clause 23(1)(a) requires that requires that the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and	The building footprint is located approximately 1km from the existing registered club, providing appropriate separation and management of land use conflicts.
Clause 23(1)(b) requires that an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.	The need for protocols to manage the relationship between the club and proposed development will be addressed at the development application stage. However, given the separation distance between the club and the seniors housing this is unlikely to raise significant concerns.
Clause 25 Application for site compatibility certificate	
Clause 25(5)(b) sets out criteria which is required to be considered in determining whether the proposed development is compatible with the surrounding land uses.	See Section 9.
<p>Clause 25(5)(c) requires that where a previous SCC has been issued:</p> <ul style="list-style-type: none"> <li>any additional land must adjoin land primarily zoned for urban purposes, and</li> <li>if the site compatibility certificate was issued in respect of previously certified land on the basis that the land adjoins land zoned primarily for urban purposes, that the land continues to adjoin land zoned primarily for urban purposes.</li> </ul>	<p>The previous SCC applied to Lot 1 DP662920, Lot 6 DP 45114 and Lot 1 DP19161. The current proposal applies to the entire Bayview Gold Course as detailed at Section 2.1.</p> <p>The entire land subject of this application, including the additional land, adjoins land primarily zoned for urban purposes as detailed in Section 4.1.2.</p> <p>The previously certified land continues to adjoin land zoned primarily for urban purposes. That land directly adjoins large tracts of land zoned as R2 Low Density Residential.</p>
Clause 26 Location and access to facilities	
<p>Clause 26(1) requires that development must have access to the following facilities:</p> <ul style="list-style-type: none"> <li>shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>community services and recreation facilities, and</li> <li>the practice of a general medical practitioner.</li> </ul>	<p>As outlined in Section 8.3 the site has access to services and facilities in Mona Vale town centre approximately 2km from the site including three major supermarkets, banks, health facilities, a range of shops, community facilities including Mona Vale Library, and public open space and recreation facilities.</p> <p>The site is also accessible to Mona Vale Hospital within approximately 4km and a short 20 minute drive to the major Northern Beaches Hospital Facility.</p>

SEPP provision	Consideration
<p>Clause 26(2)(b) outlines requirements for sites within Greater Sydney where access to services is via public transport, being:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>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).</li> </ul>	<p>A bus stop is located on the eastern side of Annam Road, opposite the Bayview Gardens Retirement Village approximately 220m walking distance from the proposed entrance to the seniors housing development on Cabbage Tree Road.</p> <p>Bus route 155 operates to and from Mona Vale Centre with stops located at:</p> <ul style="list-style-type: none"> <li>Waratah Street near Akuna Lane adjacent to Woolworths and high street shops and services,</li> <li>Park Street opposite Pittwater Place Shopping Centre, and</li> <li>Barrenjoey Road adjacent to Kitchener Park and Village Park.</li> </ul> <p>These stops provide direct pedestrian access to the full range of services and facilities outlined in clause 26(1).</p> <p>Route 155 operates approximately every hour between 6am and 8pm on weekdays.</p>
<p>Clause 26(3) outlines accessibility requirements to the public transport identified in subclause (2), being 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> <ul style="list-style-type: none"> <li>a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</li> </ul>	<p>The pathways within the building footprint connecting to the footpath on Cabbage Tree Road have a maximum gradient of 1:14.</p> <p>A footpath is proposed to be constructed along the western side of Annam Road to the point opposite the bus shelter with kerb ramps on either side of the road to allow crossing to the bus stop.</p> <p>The topography of the existing footpath along Cabbage Tree Road to Annam road is less than 1:25, and along Annam Road to the bus stop is a maximum of 1:15.</p> <p>The slope along Annam Road has a gradient of 1:14 along the majority, with a 5 metre section at 1:10 and a 15 metre section at 1:12, which comply with Clause 26(3).</p> <p>Level access is available from the bus stops within Mona Vale town centre to the required services and facilities.</p> <p>This is discussed further in the site accessibility report (Appendix U).</p>
Clause 27 Bushfire Prone Land	
<p>Clause 27(1) requires development on bushfire prone land to be consistent with Planning for Bushfire Protection 2006.</p>	<p>A bushfire assessment (Appendix K) has been prepared which identifies compliance with Planning for Bushfire Protection 2006. This is discussed further in Section 8.6.</p>
Clause 28 Water and Sewer	
<p>Clause 28(1) requires development to be connected to a reticulated water system and have adequate facilities for the removal of disposal of sewerage.</p>	<p>The site will be connected to sewer and water services in the adjoining area, as outlined in the preliminary servicing strategy (Appendix P).</p>



SEPP provision	Consideration
Clause 33 Neighbourhood amenity and streetscape	
Clause 33(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.	<p>The key elements of the location's current character include a mix of one and two storey single dwelling houses and two to three storeys medium density seniors housing developments and apartment buildings. The surrounding built form is typically located within a leafy setting with landscaped gardens and large trees located within streets and individual lots.</p> <p>The proposal is entirely consistent with this built form character as outlined in detail in Section 8.1.</p>
Clause 33(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	No heritage items or heritage conservation areas are located within close proximity to the seniors housing development. A heritage item is located adjacent to the Bayview Golf Course club house, however this will not be impacted by the seniors housing development or reconfiguration of the Golf Course.
<p>Clause 33(c): maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <ul style="list-style-type: none"> <li>• providing building setbacks to reduce bulk and overshadowing, and</li> <li>• using building form and siting that relates to the site's land form, and</li> <li>• adopting building heights at the street frontage that are compatible in scale with adjacent development, and</li> <li>• considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.</li> </ul>	<p>The seniors housing development has been located to maximise setback distances to surrounding neighbours with the nearest residential use being 39 metres from the building footprint. The development would not result in any overshadowing impacts and visual impact would be minor and would be mitigated through tree planting and landscaping as discussed in detail in Section 8.2.</p> <p>The building height is a maximum of three storeys / 8.5m to comply with the Pittwater LEP and provide consistency with nearby development. The frontage of the building which faces the entrance from Cabbage Tree Road will read as two storeys, and existing trees along Cabbage Tree Road will provide a visual barrier from the public domain.</p>
Clause 33(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.	<p>The nearest dwellings with a frontage to Cabbage Tree Road to the north west of the building footprint are located relatively close to the street frontage as shown in Figure 10.</p> <p>The proposed built form has been designed to be set further back from Cabbage Tree Road than these dwellings to locate buildings outside the geotechnical hazard zone and enable the extensive tree planting to be retained in this location. This will maintain the existing visual appearance along Cabbage Tree road and screen the proposed development.</p>
Clause 33(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	A landscape plan has been prepared (Appendix B) which outlines extensive landscaping in sympathy with the surrounding area, including 100% of trees and at least 98% of shrubs, groundcovers, ferns grasses and aquatic plants being native species of local provenance.
Clause 33(f) retain, wherever reasonable, major existing trees	The building footprint has been located to maximise tree retention. In particular the proposal maintains dense trees within the geotechnical hazard zone as well as trees

SEPP provision	Consideration
	to the north of the building footprint including between existing fairways and along the northern boundary of the golf course.
Clause 33(g) be designed so that no building is constructed in a riparian zone.	No riparian zones are located within, or within close proximity of the building footprint.
Clause 34 Visual and acoustic privacy	
Clause 34: 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, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposal has been sited to maintain visual and acoustic privacy with the nearest residential use being 39m from the building footprint.  A visual impact assessment has been carried out that demonstrates that the proposal will have minimal visual impact (Appendix G). An acoustic assessment has been carried out which identified measures to ensure that acoustic impacts would be mitigated (Appendix S).
Clause 35 Solar access and design for climate	
Clause 34(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	The proposal is located a minimum distance of 39m from its nearest neighbour and will result in no overshadowing.
Clause 34(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 proposal meets the Apartment Design Guide requirements for solar access and passive ventilation, as outlined at Appendix H.
Clause 36 Stormwater	
Clause 36(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	A stormwater management report has been prepared which outlines measures to ensure that stormwater is appropriately managed and does not adversely impact adjoining neighbours. This is discussed in further details in Section 8.8.
Clause 36(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	The stormwater management report outlines requirements for onsite stormwater detention as well as rainwater tanks to be used for non-potable water re-use.
Clause 37 Crime Prevention	
Clause 37 requires that the proposed development should provide personal property security for residents and visitors and encourage crime prevention by: <ul style="list-style-type: none"> <li>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</li> </ul>	The proposal has been designed to maximise crime prevention. Apartments would be entered directly from secure basement parking or via secure entrance lobbies to individual blocks with lifts serving a small number of apartments.  Each entrance lobby is clearly visible from the private open space areas to maximise passive surveillance. The basement car park, pedestrian paths and common areas would be well lit to enhance safety and security.

SEPP provision	Consideration
<ul style="list-style-type: none"> <li>where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</li> <li>providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</li> </ul>	
Clause 38 Accessibility	
<p>Clause 38 requires that the proposed development should:</p> <ul style="list-style-type: none"> <li>have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</li> <li>provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</li> </ul>	<p>The proposed development includes pedestrian paths which connect to an existing footpath along Cabbage Tree Road which provides access to the bus stop in Annam Road.</p> <p>Car access is separated from pedestrian paths and provides access to basement car parking for visitors and residents.</p>
Clause 39 Waste Management	
<p>Clause 39 requires that the proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>This will be addressed through the preparation of a waste management plan at development application stage.</p>
Clause 40 Development Standards	
<p>Clause 40(2) Site size: the size of the site must be at least 1,000 square metres.</p>	<p>The building footprint area significantly exceeds this requirement being 1.8ha.</p>
<p>Clause 40(3) Site Frontage: the site frontage must be at least 20 metres wide measured at the building line.</p>	<p>The building footprint is located on Lot 6 DP45114 and the portion of Lot 1 DP662920 to the north of Cabbage Tree Road. These parcels have a frontage to the northern side of Cabbage Tree Road of more than 200m. The frontage of the land, being Bayview Golf Club, to Cabbage Tree Road is much larger.</p>
<p>Clause 40(3) Height in zones where residential flat buildings are not permitted: sets out height requirements for buildings in residential zones where residential flat buildings are not permitted, including a maximum height of 8m.</p>	<p>This clause does not apply as the proposal is not in a residential zone. The height has been limited to 8.5m which is consistent with the Pittwater LEP.</p>
Clause 41 Standards for hostels and self-contained dwellings	
<p>Clause 42(1) requires development of a hostel or self-contained dwelling to comply with the standards specified in Schedule 3 of the SEPP.</p>	<p>An access assessment report (Appendix T) has been prepared by BCA Logic addressing compliance with the standards in Schedule 3 of the SEPP.</p>
Clause 42 Serviced self-care housing	
<p>Clause 42(1) requires residents of serviced self-care housing on land that adjoins land primarily zoned for urban purposes to have reasonable access to:</p> <ul style="list-style-type: none"> <li>home delivered meals, and</li> </ul>	<p>Extensive services are proposed to be provided on-site by Waterbrook, including:</p> <ul style="list-style-type: none"> <li>home delivered meals and catered restaurant meals 7 days a week,</li> </ul>

SEPP provision	Consideration
<ul style="list-style-type: none"> <li>personal care and home nursing, and</li> <li>assistance with housework.</li> </ul>	<ul style="list-style-type: none"> <li>personal care and home nursing as well as wellness programs and access to pharmacy items 7 days a week, and</li> <li>assistance with housework through on-site Housekeeping Services 6 days a week.</li> </ul> <p>This can be further addressed at development application stage.</p>
Clause 43 Transport services to local centres	
Clause 42(2) requires serviced self-care housing on land adjoining land zoned for urban purposes to provide a bus service to take residents from the proposed development to specified services and facilities.	A bus service can be provided to meet this requirement and this will be addressed at development application stage.
Clause 44 Availability of services and facilities	
Clause 44 sets out that services and facilities provided as part of the development is available when housing is ready to be occupied.	This will be addressed at development application stage. The proposed development will comply with this requirement.
Clause 50 Development standards that cannot be used to refuse consent for self-contained dwellings	
Building height: if all proposed buildings are 8m or less in height.	The proposed development exceeds this standard, however buildings are no greater than 8.5m in height which is consistent with the Pittwater LEP. Further, there is no requirement to meet this standard (as per the introductory text to clause 50 and the note at the bottom of clause 50).
Density and scale: if the density and scale of the buildings when expressed in floor space ratio is less than 0.5:1.	<p>Under the Seniors Housing SEPP, FSR is calculated on the basis of the ratio of the gross floor area of the building to the area of the <b>allotment</b> on which the building is or is proposed to be erected. There is a focus on allotment that would accommodate a building rather than the 'site'.</p> <p>The buildings are proposed to be located on the part of Lot 1 DP662920 to the north of Cabbage Tree Road which comprises 6.35ha. The FSR when applied to this area is 0.29:1. The FSR would be significantly lower when applied across the entire area of Lot 1 DP662920.</p>
<p>Landscaped area: if:</p> <ul style="list-style-type: none"> <li>in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</li> <li>in any other case—a minimum of 30% of the area of the site is to be landscaped,</li> </ul>	<p>This control relates to an urban context and would be significantly exceeded across the Bayview Golf Course site.</p> <p>The proposal achieves a minimum landscaped area of:</p> <ul style="list-style-type: none"> <li>86% of the areas of Lot 1 DP662920 to the north of Cabbage Tree Road, and</li> <li>52% of the building footprint area.</li> </ul>
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	<p>This control relates to an urban context and would be significantly exceeded across the Bayview Golf Course site.</p> <p>The proposal achieves a minimum deep soil zone of</p>



SEPP provision	Consideration
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,	<ul style="list-style-type: none"> <li>78% of the of the areas of Lot 1 DP662920 to the north of Cabbage Tree Road, and</li> <li>25% of the building footprint area.</li> </ul>
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 proposal is able to comply with the solar access requirements of the Apartment Design Guide as outlined in the SEPP 65 design verification statement (Appendix H).
Private open space for in-fill self-care housing: if: <ul style="list-style-type: none"> <li>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</li> <li>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 or depth and that is accessible from a living area.</li> </ul>	The proposal is not for infill self-care housing. However, the proposal complies with this requirement in any event – as evidenced by the SEPP 65 design verification statement (Appendix H).
Parking: if at least 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.	The parking allocation exceeds this requirement as outlined in Section 8.5.

## 4.2 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Buildings

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Buildings (SEPP 65) applies to the development of a residential flat building, shop top housing or mixed use development with a residential component. It does not specifically exclude seniors housing developments.

A SEPP 65 design verification statement has been prepared by Marchese (Appendix H). The statement demonstrates that the proposed development is consistent with the design quality principles and can meet the relevant criteria in the Apartment Design Guide.

## 4.3 Pittwater Local Environmental Plan 2014

Pittwater LEP is the local environmental plan applying to the site. The golf course is zoned RE2 Private Recreation under the LEP. Seniors Housing is a prohibited use within RE2 Private Recreation zone.

The Pittwater LEP applies a maximum building height of 8.5m across the golf course.

The Pittwater LEP also identifies the following potential environmental constraints within the site:

- acid sulfate soils within the building footprint, including Class 5 and Class 2
- a biodiversity overlay across the golf course site, including within the building footprint, and
- a geotechnical hazard area along the western and southern boundary of the building footprint.

These matters are considered and addressed within Section 8 of this report.

The Pittwater LEP does not apply (to the extent of any inconsistency) to development which is subject of the Seniors Housing SEPP. Clause 2(2) of the SEPP notes that that aims of the SEPP *will be achieved by 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 the SEPP*. Further, Clause 15 of the SEPP allows development on land adjoining land zoned primarily for urban purposes of serviced self-care housing despite the provisions of any other environmental planning instrument.

Notwithstanding consideration has been given to the key controls of the Pittwater LEP in Table 4.

**Table 4: Consideration of Pittwater LEP**

LEP provision	Consideration
<p>Clause 7.1 Acid Sulphate Soils: Requires an Acid Sulphate Soils Management Plan to be prepared at development application stage.</p>	<p>A geotechnical and acid sulfate soils assessment has been prepared (Appendix Q) which concludes that preparation of an acid sulfate soils management plan is not essential for construction of the proposed buildings but that a management plan would be required for any construction works within the south eastern portion of the site, including the proposed new entry / exit road.</p> <p>The acid sulphate soils management plan would be prepared at the development application stage.</p>
<p>Clause 7.2 Earthworks This clause sets out that considerations for the assessment of development consent for earthworks, including:</p> <ul style="list-style-type: none"> <li>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</li> <li>the effect of the development on the likely future use or redevelopment of the land,</li> <li>the quality of the fill or the soil to be excavated, or both,</li> <li>the effect of the development on the existing and likely amenity of adjoining properties,</li> <li>the source of any fill material and the destination of any excavated material,</li> <li>the likelihood of disturbing relics,</li> <li>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</li> <li>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</li> <li>the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</li> </ul>	<p>The relevant aspects of this clause have been addressed in Section 8. Further consideration of these matters will be provided at the development application stage.</p>
<p>Clause 7.4 Flood planning: This clause applies to land below the flood planning level and sets out that Development consent must not be granted to development unless it:</p> <ul style="list-style-type: none"> <li>is compatible with the flood hazard of the land, and</li> </ul>	<p>The proposed building footprint is located on land above the flood planning level and probable maximum flood (PMF) level with the exception of some minor overland flooding at the south east corner of the site near Cabbage Tree Road.</p>

LEP provision	Consideration
<ul style="list-style-type: none"> <li>will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>incorporates appropriate measures to manage risk to life from flood, and</li> <li>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</li> <li>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul>	<p>A flood impact assessment (Appendix L) has been prepared which demonstrates compliance with this clause including that the entire site will be above the PMF post development and that the development will not have adverse effects on flood behaviour.</p> <p>This is discussed in further detail in Section 8.7.</p>
<p>Clause 7.4 Flood plain risk management</p> <p>The clause applies to land between the flood planning level and PMF and sets out that development consent must not be granted to development for seniors housing unless it will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from the land.</p>	<p>The flood impact assessment (Appendix L) has determined that because the site is not flood affected that no further consideration is required of emergency response provisions other than for the site to adopt a shelter-in-place strategy for its residents.</p> <p>This is discussed in further detail in Section 8.7.</p>
<p>Clause 7.6 Biodiversity:</p> <p>The clause sets out that development consent must not be granted on land identified as Biodiversity unless:</p> <ul style="list-style-type: none"> <li>the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</li> <li>if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</li> <li>if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ul>	<p>The proposed development has been designed and sited to minimise any adverse Biodiversity impacts.</p> <p>A biodiversity development assessment report has been prepared which identifies offsetting arrangements in accordance with the Biodiversity Offsets Scheme to offset the impacts of removal of 0.43 hectares of vegetation for the seniors housing and 0.08ha of planted trees for the golf course reconfiguration.</p> <p>It also identifies the potential to increase the existing 6.86ha of fragmented degraded wildlife corridors within the golf course.</p>
<p>Clause 7.7 Geotechnical hazard:</p> <p>This clause sets out that that development consent must not be granted on land identified as geotechnical hazard unless:</p> <ul style="list-style-type: none"> <li>the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</li> <li>the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</li> <li>if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</li> </ul>	<p>The building footprint has been sited to avoid the area identified as geotechnical risk. Bushfire management arrangements have been proposed across the geotechnical hazard land however these will not result in any increased geotechnical risk.</p> <p>A stormwater management report has been prepared to outline the appropriate management of stormwater and drainage (Appendix M) and a preliminary servicing strategy has been prepared to identify wastewater servicing arrangements (Appendix P).</p>



LEP provision	Consideration
<ul style="list-style-type: none"> <li>if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</li> </ul>	
<p>Clause 7.10 Essential Services</p> <p>This clause sets out that development consent must not be granted unless the consent authority is satisfied that services essential to the development are available or can be provided including and electricity, water and sewerage services, stormwater drainage, and suitable vehicular access.</p>	<p>Utility services and stormwater drainage can be provided as outlined in Sections 8.10 and 8.8 respectively.</p> <p>Access to the site is to be provided from a roundabout on Cabbage Tree Road. This is illustrated in the architectural drawings (Appendix A) and discussed in the traffic assessment (Appendix J).</p> <p>Servicing arrangements will be further detailed at development application stage.</p>

## 5 Strategic justification

### 5.1 Greater Sydney Region Plan

The final Greater Sydney Region Plan, A Metropolis of Three Cities was released by the Greater Sydney Commission in March 2018. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities. It establishes directions, objectives and actions to achieve the 40-year vision which are focused around infrastructure and collaboration, liveability, productivity and sustainability.

The Greater Sydney Region Plan also aims to provide ongoing housing supply and a range of housing types in the right places to create more liveable neighbourhoods and support Sydney's growing population.

The Plan identifies five districts which make up the Sydney Region. The site is located within the North District.

The proposal for seniors housing supports a number of the objectives of the Plan including:

- Objective 7 – Communities are healthy, resilient and socially connected
- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable

The objectives of the Greater Sydney Region Plan are expanded in the North District Plan which is discussed in Section 5.2.

### 5.2 North District Plan

The North District Plan has been developed to support the Greater Sydney Region Plan. The 20-year District Plan seek to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains planning priorities and actions for implementing the Greater Sydney Region Plan at the district level and is a bridge between regional and local planning.

The North District Plan a number of Planning Priorities and Actions which are highly relevant to the site which are discussed below.

#### **Planning Priority N3: providing services and social infrastructure to meet people changing needs**

Under this Planning Priority the Plan sets out the following which highlights the high demand for Seniors Housing which is anticipated in the area:

*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 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.*

*The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65 - 84 age groups.*

*More diverse housing types and medium density housing, as well as the design of walkable neighbourhoods, will create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing.*

#### **Planning Priority N5: providing housing supply, choice and affordability, with access to jobs, services and public transport**

Under this Planning Priority the plan highlights the following housing demands for the District:

*Planning for housing needs to consider the type of dwellings required to respond to expected changes in household and age structures. The number of single-person households is expected to increase by 31,750 to 2036. The number of single-parent and couple-only households in particular, is also expected to increase by 2036. This requires more smaller homes, group homes, adaptable homes of universal design and aged care facilities.*

An action is also included under this Planning Priority requiring each council within the District to prepare a local housing strategy to address the delivery of identified housing targets. The Plan sets out principles to be addressed in the preparation of housing strategies including the following principle which highlights the importance of providing a mix of housing types to accommodate a range of household types, including seniors housing:

*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.*

The proposal to provide seniors housing in this location will contribute to the local dwelling supply, whilst enhancing the diversity of housing and providing accommodation for seniors, including those living locally and seeking to downsize and 'age in place'.

### **5.3 Shape 2028 – Northern Beaches Community Strategic Plan**

The Community Strategic Plan sets out the community's vision to make the Northern Beaches a safe, inclusive and connected community with our extraordinary coastal and bushland environment.

Of particular relevance to the proposed development is Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community. The following strategies are outlined under Goal 7:

- effectively plan for future growth by balancing regional priorities with local values, and
- provide a mix of high-quality diverse and inclusive housing options supported by sustainable infrastructure.

The proposal aligns with the Community Strategic Plan by providing seniors housing which will increase housing supply and enhance housing diversity in a location well connected to public transport, services and facilities, whilst being consistent with the local character of the area.

The proposal will be important in meeting expected high demand for seniors housing in the Northern Beaches LGA (as detailed in Section 5.5 of this report) and will provide much needed housing which enables older people to continue living in their communities.

### **5.4 Pittwater Local Planning Strategy 2011**

The purpose of the Pittwater Local Planning Strategy 2011 is to seek 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. It aims to realise the communities shared vision to be a vibrant sustainable community of connected villages inspired by bush, beach and water.

Of particular relevance to the proposal it includes recommendations to meet identified housing supply targets and to:

- identify appropriate locations based implementation of the Affordable Rental Housing SEPP and the Seniors Housing SEPP, and
- encourage a variety of housing choices including smaller dwellings.



The proposed development aligns with the Strategy by contributing to the housing supply targets, enhancing the diversity of housing choices in the area, and increasing the supply of seniors housing in accordance with the Seniors Housing SEPP.

## **5.5 Public interest reasons for seniors housing in this location**

The proposal will provide much needed supply of seniors housing for independent living within the Northern Beaches area. The need for additional seniors housing in this area of Sydney has been well documented.

In 2016, NSW Family and Community Services released the NSW Northern Sydney Ageing Strategy in response to projected high growth of people aged 65 and over. The Strategy built on the NSW Ageing Strategy 2012, which was updated in 2016. A summary of the findings of the NSW Northern Sydney Ageing Strategy in relation to seniors housing is provided below.

- In Northern Sydney the over 65 age group is expected to grow from 15% in 2011 to 18% in 2031.
- There is a need to increase the supply of housing for older people in the area.
- There is a limited supply of housing to accommodate the changing needs of older people including independent living.

In response to these findings, the Strategy included a goal to facilitate the delivery of housing for older people and essential workers in the region.

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

The Department of Planning and Environment Population Projections released in 2016 estimates that for the Northern Beaches LGA the over 65 age group will grow from 43,050 (16%) in 2016 to 63,000 (21%) in 2036. The portion of the population within this age group in the Northern Beaches LGA is much higher than for the Sydney Metropolitan Area and this trend is predicated to continue. For the Sydney Metropolitan Area this age group is expected to grow from 13% in 2016 to 18% in 2036.

The analysis outlined above demonstrates that demand for seniors housing in the area is high and is expected to continue to grow into the future. The proposal will play an important role in supporting the supply of seniors housing and allowing older people to 'age in place' and is therefore considered to be in the public interest.

The proposal will also support the ongoing viability of the Bayview Golf Club, enabling it to continue to provide a valuable private recreation function for the area into the future.

## **5.6 Adequacy of services and infrastructure to meet demand**

The adequacy of services and infrastructure to meet the demand of the proposed development is detailed in Section 8 of this report. The key findings are summarised below:

- The proposed development will have excellent access to a wide range of services and facilities in Mona Vale town centre and can meet the locational and access requirements of the Seniors Housing SEPP. Extensive services are also proposed to be provided on-site.
- A roundabout will be constructed on Cabbage Tree Road at the entrance to the site which will ensure that the proposal will not have any adverse traffic impacts.
- Existing utility services along Cabbage Tree Road can be extended to service the site.

## 6 Consultation

The proposal has been subject of an extensive planning process which has involved consultation with the community, Northern Beaches Council and relevant agencies, including statutory consultation in relation to the development application. The outcomes of this consultation is detailed below.

### 6.1 Northern Beaches Council

Extensive consultation has been carried out with Council through the previous SCC application and the development application. The issues raised by Council in relation to the development application are considered and addressed in Section 7 of this report.

A meeting was also held with Council on 23 May 2019 to discuss the lodgement of this SCC application. The issues raised in that meeting are outlined and considered in Table 5.

**Table 5: Issues raised in Council meeting**

Issue raised by Council	Consideration
A better location would adjacent to the Bayview Golf Course club house site where three storey seniors living would have greater compatibility with the existing character.	Development in this location would have far greater visual impact on apartments adjacent to the club house.
The proposal is reliant on areas outside the proposed building footprint, particularly relating to APZs, biodiversity and visual impact. If the Seniors Housing site was subdivided in the future there would be concerns about ongoing management of these aspects.	The proposal is clear on the need for ancillary measures beyond the building footprint. The ongoing management arrangements for these areas can appropriately be addressed at the development stage. This could include lease arrangement or conditions on the title.
The proposal still does not address the concerns of the Panel particularly in relation to character and compatibility, and the built form could need to be modified to address this.	<p>The proposal is consistent with the character of the locality, being a mix of large two storey single dwellings and two to three storey seniors housing and apartment buildings.</p> <p>The proposal is compatible with the surrounding area, providing separation distances to sensitive uses, being largely screened by vegetation and of a height which is consistent with adjoin residential area and the height control in the Pittwater LEP. The setbacks provided by the proposal are far in excess of those in the existing residential area.</p>
Council noted that other issues associated with the site are likely to be able to be overcome.	Noted.

### 6.2 Department of Planning and Environment

The applicant has consulted extensively with the Department of Planning and Environment throughout the process. A meeting was held on the 20 June 2019 to discuss lodgement of this SCC application. DPE highlighted a number of issues which have been raised by the community which should be addressed in the SCC application that are outlined in Table 6.

**Table 6: Issues raised by DPE**

Issue raised by DPE	Consideration
Vegetation removal and biodiversity impacts	This is addressed in Section 8.4.
Impacts on fire trail access to Barkala Estate	The fire trail is not owned by the Bayview Golf Club and would not be impacted by the proposed development.
Access arrangements on Cabbage Tree Road	This is discussed in Section 8.5.
Bushfire asset protection zones, in particular vegetation impacts and management arrangements	<p>Most areas of the APZs are already managed to an appropriate standard. However, some tree removal will be required to establish the APZs and this is highlighted in the arboricultural impact assessment prepared by Footprint Green (Appendix D), which has informed the biodiversity assessment.</p> <p>The bushfire assessment report (Appendix K) confirms that this tree removal is appropriate for the necessary APZs.</p> <p>All APZs are located within the golf course site area and can be managed through lease arrangements and/or covenants on titles. This will be detailed at the development application stage.</p>
Clarify what the land is for the purposes of the application and whether it is <i>land that adjoins land that is zoned for an urban purpose</i> as required by the Seniors Housing SEPP.	The land area is detailed in Section 2 and legal advice has been provided confirming that it adjoins land that is zoned for an urban purpose (Appendix E).
Why other sites within the golf course were not considered.	This is discussed in Section 2.5.
The implications of works outside the building footprint such as APZs.	The impacts of the seniors housing development and all associated works have been considered in detail throughout this report.
Consider the requirements for serviced self-care housing.	All requirements under the Seniors Housing SEPP for serviced self-care housing are considered and addressed in Section 4.1.

### 6.3 Government agency consultation

Consultation has been carried out with a number of Government agencies through the previous planning processes for the site as summarised in Table 7. The outcomes of this consultation does not raise any issues in relation to the SCC.

**Table 7: Agency consultation**

Agency	Issue / comment
Rural Fire Service (RFS)	The RFS has previously issued a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997, for the proposal being submitted for a SCC. The approval excludes the land identified in the Pittwater LEP as geotechnical hazard area from the identified asset protections zones.



Agency	Issue / comment
Department of Primary Industries (DPI) – Water	The development application was referred to DPI Water as integrated development as it is within 40m of a watercourse. It is understood that the DPI terms of approval were granted on 25 January 2018.
NSW Police	NSW Police made a submission in response to the development application. The submission noted that a plan of management for the development should be required as a condition of consent. This can be addressed at the development application stage.
Sydney Water	<p>Consultation was carried out with Sydney Water as part of the preliminary servicing strategy discussed in Section 8.6.</p> <p>Sydney Water confirmed that existing water and sewer services are available on Cabbage Tree Road and are likely to have capacity to service the proposed development.</p>
Ausgrid	<p>Consultation was carried out with Ausgrid as part of the preliminary servicing strategy discussed in Section 8.6.</p> <p>Ausgrid confirmed that the development can connect to overhead power lines along the southern boundary at the corner of Annam Road, and that there is likely to be requirements for power amplification on or near the site. This will be subject of further discussion with Ausgrid, and will be detailed at construction certificate stage.</p>

## 6.4 Community consultation

The community was consulted on the previous proposal through the public exhibition of the development application in 2018.

A total of 567 submissions were received during the exhibition including:

- 163 individual submissions and 1 petition with 7199 signatures objecting to the proposal (including non-local objectors), and
- 403 individual letters in support of the proposal.

The key issues raised by the community were:

- traffic congestion on the adjoining road network
- building height including non-compliance with Council LEP
- inconsistency with local character and overdevelopment
- impact on residential amenity of adjoining areas
- visual impact on the locality
- potential for undesirable precedent
- impact on existing utility infrastructure
- inconsistent with the objectives of the RE2 Private Recreation zone
- environmental and biodiversity impacts, and
- construction impacts.

Two community information sessions and two private briefing sessions for golf course members were also held at Bayview Golf Club in September 2017. The community information sessions were advertised by way of an advertisement in the Manly Daily and delivery of a postcard to surrounding residents. All golf course members were invited to the private sessions.

Approximately 160 golf club members attended the private sessions and 45 local residents attended the community sessions.

The issues raised at the private sessions largely related to the golf course design and positive interest in the release of seniors housing in this location.

The issues raised at the community sessions included:

- traffic congestion and traffic issues along Cabbage Tree Road
- concerns about the suitability of the location for seniors housing
- concerns about bulk and scale
- concerns about visual impacts
- concerns about ecological impact, although it was also noted that there is limited wildlife on the golf course
- questions about the planning process
- questions about the golf course design, and
- questions about unit pricing and timing of sales.

All issues raised by the community have been considered and addressed in Section 8 of this report. Further, the proposal has been amended to reduce the building height, number of dwellings and building footprint to enhance compatibility with the local character and further reduce visual impact.

## 7 Consideration of issues raised by Council and Planning Panel

### 7.1 Consideration of issues raised by Council

A development application was lodged with Northern Beaches Council on 19 December 2017, following the issue of the previous SCC. The Council's recommended reasons for refusal in its report to the Sydney North Planning Panel are considered and addressed in Table 8.

**Table 8: Issues raised in Council assessment report**

Reason for refusal	Consideration
Integrated development – Department of Primary Industries	
The Department of Primary Industries (Water) has not granted its general terms of approval required for the development application to be approved.	This reason for refusal was recommended to be deleted by the Sydney North Planning Panel. It is understood that the DPI terms of approval were granted on 25 January 2018.
State Environmental Planning Policy 65 and Apartment Design Guide	
<p>The proposal is not consistent with SEPP 65 principles in particular:</p> <ul style="list-style-type: none"> <li>– it is not compatible with the site context which currently contemplates buildings of a scale significantly less than that proposed.</li> <li>– The development does not provide sufficient landscaped area within the site boundaries</li> <li>– The proposal is inconsistent with a number of other requirements of SEPP 65.</li> </ul>	<ul style="list-style-type: none"> <li>• A SEPP 65 design verification statement (Appendix H) has been prepared addressing the design quality principles in Schedule 1 of SEPP 65, and compliance with the Apartment design Guide criteria.</li> <li>• The scale of the building has been reduced to be more compatibility with the scale of buildings in the surrounding area and to comply with the LEP height controls.</li> <li>• 25% of the site is provided as a deep soil zone. This significantly exceeds the Apartment Design Guide criteria of between 7% and 15%.</li> <li>• The proposal provides 30% of the site as communal open space which exceeds with the Apartment Design Guide criteria of 25%.</li> </ul>
Seniors Housing SEPP	
The works, including constructions works, occur within an environmentally sensitive portion of the site (natural hazard)	<p>The site is not considered to be environmentally sensitive land as the Biodiversity and Geotechnical Hazard designations are not listed in Schedule 1 of the Seniors Housing SEPP or are they 'like terms' to those listed in Schedule 1.</p> <p>For Geotechnical Hazard this is confirmed by a recent Land and Environment Court Decision (Whittaker v Northern Beaches Council). For the Biodiversity designation this is confirmed by legal advice (Appendix E) and also recent decisions of the Land and Environment Court (Australian Nursing Home Foundation v Ku-ring-gai Council and Rosewood Australia Pty Ltd v Ku-ring-gai Council).</p> <p>This is discussed further in Section 4.1.2.</p>
The proposed development is inconsistent with the aims of the policy and requirements of Clause 24 in relation to design and compatibility.	<p>The proposal is consistent with the aims of the Seniors Housing SEPP as outlined at Section 4.1.1.</p> <p>Clause 24 of the SEPP sets out the requirement for a SCC to be issued by the relevant panel certifying that the site is suitable for</p>



Reason for refusal	Consideration
	<p>more intensive development and proposed development is compatible with the surrounding environment.</p> <p>The NSW Department of Planning and Environment previously formed the view that a larger development on approximately the same site was appropriate for an SCC.</p> <p>A detailed environmental assessment for this proposal has confirmed that the site is suitable for more intensive development as outlined at Section 8. The proposal is compatible with the surrounding character as outlined in Section 8.1. In particular a number of built form changes have been made to the proposal to enhance compatibility.</p>
The proposed development is inconsistent with the requirements of clause 33 Neighbourhood amenity and streetscape.	The proposal is consistent with the requirements of Clause 33 as outlined in Section 9. In particular a number of changes have been made to the built form to reduce impacts on the neighbourhood amenity. The visual impact assessment demonstrates that the proposal will have very minor visual and streetscape impact.
The proposed development does not comply with the requirements of clause 50 regarding density and scale and landscaped area.	<p>Clause 50 outlines development standards that cannot be used to refuse development consent for self-contained dwellings, and accordingly can be varied.</p> <p>The proposal complies with all the development standards (see Table 3), with the exception of the 8m height control. The proposal has a maximum height of 8.5m consistent with Pittwater LEP.</p>
Building height	
The proposed building height does not comply with the height of building development standard in Pittwater LEP, and the clause 4.6 request is not well founded.	The maximum height of the development has been reduced to comply with the LEP maximum height of 8.5m.
Pittwater LEP	
The development is not consistent with the aims of the Plan as it relates to environmental impact and desired future character.	<p>Any provisions of the Pittwater LEP that would be inconsistent with the Seniors Housing SEPP are set aside for the purposes of the Seniors Housing SEPP.</p> <p>Notwithstanding the proposal is consistent with the surrounding local character and addresses all environmental impacts as outlined in Section 8.</p>
The development is inconsistent with the objectives of the RE2 zone.	The provisions of the Pittwater LEP are set aside for the purposes of the Seniors Housing SEPP. Accordingly, the objectives of the RE2 zone do not apply. However, the proposal maintains the private recreation function of the golf course by reconfiguring the golf course to accommodate the development whilst maintaining and improving the existing 18 hole course.
Flood mitigation works, as it relates to Seniors Housing, is prohibited development.	A stormwater management system is permitted with development consent on any land (as per clause 111A of <i>State Environmental Planning Policy (Infrastructure) 2007</i> ). Further, this reason for refusal was recommended to be deleted by the

Reason for refusal	Consideration
	Sydney North Planning Panel. This issue was not contested by Council in the subsequent Court proceedings.
The development fails to comply with clause 7.6 Biodiversity Protection	Inconsistent provisions of the Pittwater LEP are set aside for the purposes of the Seniors Housing SEPP. Biodiversity protection has been considered and addressed in Section 8.4.
<b>Pittwater DCP</b>	
<ul style="list-style-type: none"> <li>Fails to comply with B4.22 Preservation of trees and bushland vegetation</li> <li>Fails to comply with B4.6 wildlife corridors</li> </ul>	This is addressed in section 8.4 and by the biodiversity assessment at Appendix I.
<ul style="list-style-type: none"> <li>Fails to comply with B5.1 Water Management</li> <li>Fails to comply with B5.9 Stormwater management – water quality</li> <li>Fails to comply with B5.10 stormwater discharge to a public drainage system</li> </ul>	This is addressed in section 8.8 and by the stormwater management report at Appendix M. The site can also be connected to sewer and water infrastructure as outlined at Section 8.10.
Fails to comply with C1.21 Seniors Housing	<p>Clause C1.21 sets out that seniors housing developed in accordance with the Seniors Housing SEPP, outside the R3 Medium Density Residential and B4 Mixed Use zones shall:</p> <ul style="list-style-type: none"> <li>be in keeping with the development of the surrounding area in regard to bulk, building height, scale and character.</li> <li>not result in such an accumulation of Seniors Housing developments to create a dominant social type in the surrounding neighbourhood.</li> <li>not result in such an accumulation of Seniors Housing developments to create a dominant 'residential flat building' appearance in the neighbourhood.</li> </ul> <p>The proposal is in keeping with development in the surrounding area as outlined in Section 8.1. Whilst there are a number of existing seniors housing developments in the locality, these are separated by low density residential areas, private open space and bushland. The proposal will maintain this separation, with the nearest existing seniors housing development being located 150m away.</p>
Fails to comply with C5.1 Landscaping	This is addressed in Section 8.1 and by the landscape plans at Appendix B.
<ul style="list-style-type: none"> <li>Fails to comply with C9.1 Character as viewed from a public place</li> <li>Fails to comply with 9.2 Scenic Protection</li> </ul>	This is addressed in Section 8.2 and by the visual impact assessment at Appendix G.
<b>The proposal is not in the public interest</b>	
A number of objections have been received raising a range of concerns and on this basis the proposal is not in the public interest.	<p>This reason for refusal was recommended to be deleted by the Sydney North Planning Panel.</p> <p>A total of 567 submissions were received including:</p> <ul style="list-style-type: none"> <li>163 individual submissions and 1 petition with 7199 signatures objecting to the proposal and</li> <li>403 individual letters in support of the proposal.</li> </ul>

Reason for refusal	Consideration
	<p>Issues raised included traffic congestion, building height, character, precedent, infrastructure impact, environmental impacts, visual and amenity impacts and overdevelopment.</p> <p>All issues raised have been addressed in the revised proposal.</p>
The site is not considered to be suitable for the development within an area which renders the development, as proposed, to be inconsistent with desired character.	The proposal is consistent with the surrounding character as discussed in Section 8.1 and 9. In particular, the proposal has been amended to enhance consistency with surrounding character including through reducing the building footprint and reducing the height to be consistent with the Pittwater LEP control of 8.5m.
The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective localities.	<p>The proposal is at a scale which is consistent with the surrounding area, being a maximum of 8.5m and three storeys.</p> <p>The built form is entirely consistent with the local character of the surrounding area, which currently comprises a mix of one and two storey single dwelling houses and two to three storeys medium density seniors housing developments and apartment buildings.</p>
Inadequate information	
Insufficient information to determine tree impact particularly as it relates to the APZ.	The arboricultural report (Appendix D) includes all trees to be removed, including within the APZs. The bushfire assessment report confirms that this extent of tree removal is adequate to establish the APZs.
Owners consent has not been provided for land proposed to be used for access in an emergency as identified in the bushfire report.	Emergency bushfire access does not rely on land outside the golf course land.

## 7.2 Consideration of issues raised by Sydney North Planning Panel

The Sydney North Planning Panel refused the development application on the 13 August 2018. The panel's reasons for refusal are outlined below.

- the permissibility of the proposal under the SCC and Seniors Housing SEPP is not fully resolved
- the requirements imposed by the determination of the proposal under the SCC are not fully resolved
- the typology, scale, bulk and height of the proposal is not compatible to the quality and identity of the area as required by Clause 33(a) of the Seniors Housing SEPP and fails the principles of context and neighbourhood character, built form, scale, density, landscaping, amenity and aesthetics of SEPP 65,
- the impacts of biodiversity are substantial and adverse, and the proposal fails to comply with the requirements of the Pittwater LEP and Pittwater DCP,
- the visual impact of the proposed buildings when viewed from neighbouring residential development and within the golf course is incongruous to the existing low scale residential and recreational character for the area, and
- the building height does not comply with the Pittwater LEP and the clause 4.5 variation is not justified or well founded.

The permissibility of the proposal under the previous SCC is being addressed through this application for a new SCC. All other issues are considered and addressed in the consideration of the issues raised by Council in Table 8.



It is important to note that one of the panel members would have recommended deferral of the application following receipt of legal advice regarding the permissibility, and would have sought the following:

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

These matters have all been addressed in the revised proposal, which is subject of this SCC application, as discussed in detail in Section 3.3 of this report.

## 8 Key considerations

### 8.1 Built form, landscaping and local character

The proposed built form is outlined in detail in Section 3.1 and illustrated in the architectural drawings at Appendix A. The proposal has been amended since the previous SCC to reduce the height to a maximum of three storeys, with all development complying with the Pittwater LEP height limit for the site and surrounding area of 8.5m. The footprint of the building has also been amended to provide greater separation between buildings and reduce the bulk and scale.

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

The proposed built form and landscaping are compatible with the character of the surrounding area which is described in detail in Section 2.4. In particular, the proposal comprises a low rise medium density seniors housing development within a landscaped setting and surrounded by trees, which is consistent with existing development in the local area. The height, bulk and scale of the development is generally consistent with the scale of development in the local area, noting the reduced height to 8.5m. The proposed materials and colour palette are harmonious with the surrounding landscape and built form, whilst providing a contemporary design.

The proposed development will not be highly visible from the surrounding area as a result of the generous street setbacks and separation distances from surrounding uses and screening provided by existing vegetation. This will be further enhanced through proposed landscaping and tree planting.

### 8.2 Visual impact

A visual impact photomontage report (Appendix C) has been prepared by Virtual Ideas (September 2018) which provides a comparison between photographs of the existing site conditions alongside photomontages of the proposed development from key view points within and external to the site.

The report shows that the visual impact of the proposal from Cabbage Tree Road and from existing dwellings to the south west and east would be very minor. The view comparison from the fire trail at the rear of the closest dwellings to the north east of the site is shown in Figure 20.

It is worth noting that the buffer distance and setback from existing dwellings is far greater than exists elsewhere in the surrounding residential area.

Existing photograph



Photomontage including proposed development



*Figure 20: View comparison from rear of dwellings to the north east*

A visual impact assessment (Appendix G) was also prepared by Richard Lamb and Associates which found that the visual impact of the proposal was minor as summarised below.

- 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.
- An analysis of the visual effects of the proposed development on sensitive private or public domain views shows that the visual effects of the proposal in its setting would be minor.
- 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.

### **8.3 Access to services and facilities**

The site is well located in close proximity to services and facilities, being approximately 2km from Mona Vale town centre.

A bus stop is located on the eastern side the Annam Road, opposite the Bayview Gardens Retirement Village approximately 220m walking distance from the proposed entrance to the seniors housing development from Cabbage Tree Road. The proposal includes construction of a separate pedestrian pathway from the site to the existing footpath on Cabbage Tree Road and along Annam Road to Kiah Close with kerb ramps to provide access to the bus stop opposite Bayview Gardens.

Bus route 155 operates to and from this stop to Narrabeen via Mona Vale town centre and Mona Vale Hospital, with services operating approximately every hour between 6am and 8pm on weekdays and every hour between 8.30am and 8pm on weekends. Travel time from Annam Road to Mona Vale town centre is less than 10 minutes.

Mona Value shopping centre includes a full range of services including three major supermarkets, banks, health facilities, a range of shops, community facilities including Mona Vale Library, and public open space and recreation facilities.

Extensive services are also proposed to be provided on-site by Waterbrook, including:

- home delivered meals and catered restaurant meals 7 days a week
- personal care and home nursing as well as wellness programs and access to pharmacy items 7 days a week, and
- assistance with housework through on-site Housekeeping Services 6 days a week.

The site can meet the requirements of the Seniors Housing SEPP in terms of access to services as outlined in Section 4.1.5 of this report. These matters addressed in further detail in the access assessment report (Appendix T) prepared by BCA Logic (April 2019) and the site accessibility report (Appendix U) prepared by Accessibility Solutions (June 2019).

## **8.4 Vegetation Clearing and Biodiversity**

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

A Biodiversity Development Assessment Report (Appendix I) has been prepared by Anne Clements and Associates (April 2019) which provides an assessment in accordance with the Biodiversity Offsets Scheme required by the Biodiversity Conservation Act 2016. The assessment considered the proposed seniors housing development and associated golf course reconfiguration.

The assessment notes that the potential impacts on biodiversity include:

- for the seniors housing, removal of 0.43ha of 'between fairway' vegetation associated with and adjoining fairways 4 and 5, and
- for the golf course reconfiguration and upgrade, the removal of 750 linear metres / 0.08ha of planted trees to the south of Cabbage Tree Road including *Casuarina glauca*, non-native local species *Casuarina cunninghamiana* and exotic trees, adjoining fairways 1, 2, 13, 17 and 18.

The assessment described the vegetation that would be impacted as modified and managed for playing golf with a mown understorey and trimmed canopy trees.

The assessment applied best fit Plant Community Types (PCTs) based on data recorded through on-site sampling as follows:

- vegetation impacted by Seniors Housing: PCT 1565 (Northern Hinterland Wet Sclerophyll Forest) or PCT 1214 (Southern Lowland Wet Sclerophyll forests), and
- vegetation impacted by golf course upgrade: PCT 1795 (Coastal Swamp Forests)

Of the identified communities, two were identified as being associated with threatened ecological communities, being Pittwater and Wagstaffe Spotted Gum Forrest (PCT 1214) and Swamp Sclerophyll Forest on Coastal Floodplains (PCT 1795).

Threatened species surveys identified two threatened flora species within the golf course, however neither of these were located in the area to be impacted. Fauna surveys identified the presence of nine threatened fauna species within the Bayview Golf Course lands including seven bat species and two bird species, being Powerful Owl and Square-tailed Kate.

The assessment was informed by specialist surveys from Fly By Night (November 2018). The results included advice that impacts on bat species would be minimised by reducing artificial lighting / directing lighting downward and examination of potential roost trees prior to removal.

Given the presence of Powerful Owls and bats, trees were assessed for hollows and potential fauna values. No trees with large hollows were recorded within the building footprint or in the fairway vegetation south of Cabbage Tree Road.

The assessment identified measures to minimise impacts within the seniors housing land including:



- 100% of canopy trees to be local native species and 60% of all other species to be local natives
- all landscaped areas to be within the development zone
- no environmental weeds to be planted, and
- given presence of several bat species and evidence of breeding colonies of at least three bat species in the vicinity of the proposal, as well as Powerful Owl likely hunting prey on the golf course land, external lighting is to be designed to be subdued.

The assessment also highlighted the potential to increase the existing 6.86ha of fragmented degraded wildlife corridors within the golf course to enhance biodiversity. The extent of necessary revegetation works would be confirmed at development application stage.

The assessment identified the offsetting value of the identified impacts of the proposal as a dollar value of between \$102,825.15 and \$107,107.83 (incl GST) depending on the PCT ultimately selected. The assessment did not consider the biodiversity gains from the proposed corridor conservation works highlighted above.

It is considered that the biodiversity impacts of the proposal can be appropriately managed through a combination of offsets, on-site management and conservation measures.

## **8.5 Traffic**

A traffic and parking assessment (Appendix J) was prepared by Transport and Traffic Planning Associates (April 2019).

The assessment assumed a traffic generation rate of 0.2 trips per hour during the AM and PM peak periods. This is less than would typically be applied for a medium density residential apartment given the 25-30% of residents would not be expected to own a car, and that many traffic movements are likely to occur out of peak travel times. The assessment concluded that the proposal will not have any adverse traffic impacts and that the proposed roundabout on Cabbage Tree Road would operate at a level of service A, following completion of the development and allowing for a 20% growth factor.

The assessment recommended that car parking be provided in accordance with the requirements of the Seniors Living SEPP, being 0.5 spaces per bedroom. This would result in 122 spaces, based on 12 x two-bedroom apartments and 73 x three bedroom apartments. A total of 39 visitor parking spaces was also recommended to be provided.

This would result in a total of 161 car spaces within a basement car park.

The assessment also made recommendations regarding the access arrangements and internal circulation which have been incorporated into the proposal.

## **8.6 Bushfire hazard**

The proposed building footprint is identified as containing bushfire prone land including Category 1 Vegetation and land within the 100 metre buffer zone from designated Category 1 Vegetation. Accordingly, the provisions of Planning for Bushfire Protection 2006 apply.

A bushfire assessment report (Appendix K) has been prepared by Building Code and Bushfire Hazard Solutions (July 2019).

The bushfires assessment notes that Bush Fire Safety Authority has previously been issued by the Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. The approval excludes the land identified in the Pittwater LEP as geotechnical hazard area from the identified asset protection zones (APZs). However, it is noted that the bushfire assessment recommends a number of management requirements over the

geotechnical hazard area. It is understood these requirements arose from discussions with Council's bushfire independent expert and seek to maintain biodiversity values whilst providing increased bushfire protection.

The bushfire assessment identified APZs as shown at Figure 21.



**Figure 21: Bushfire hazard APZs (BCBHS 2019)**

The bushfire assessment also recommends the following management arrangements for specific areas of within the geotechnical hazard area:

- Area A: any new tree planting must not exceed the requirements of an Inner Protection Area.
- Area B: is to be treated to provide sandstone rocks with clusters of ferns, groundcovers and maximum 20% shrub cover or the understory will comply with the requirements of an Inner Protection Area.
- Area C: is to be weeded and the local native understorey conserved and re-established to achieve a coverage of 20% in clumps and island. Existing trees are to be retained and no new trees added.
- Area D: shall not be managed as an Asset Protection Zone (Inner or Outer Protection Area). Removal of exotic weed species is to be undertaken and all native vegetation is to be retained.
- Area E: is to be maintained as an Asset Protection Area – Inner Protection Zone.

The assessment noted that the function of the surrounding land (including the geotechnical hazard area) as a golf course will see continued management of the fairway, slashed areas and gardens thus allowing it to be considered an 'equivalent to an APZ' or 'low threat vegetation' as per the works program of the club. An easement under s88B of the *Conveyancing Act 1919* will be required on the surrounding land to ensure its continued management as an APZ and additional management area.



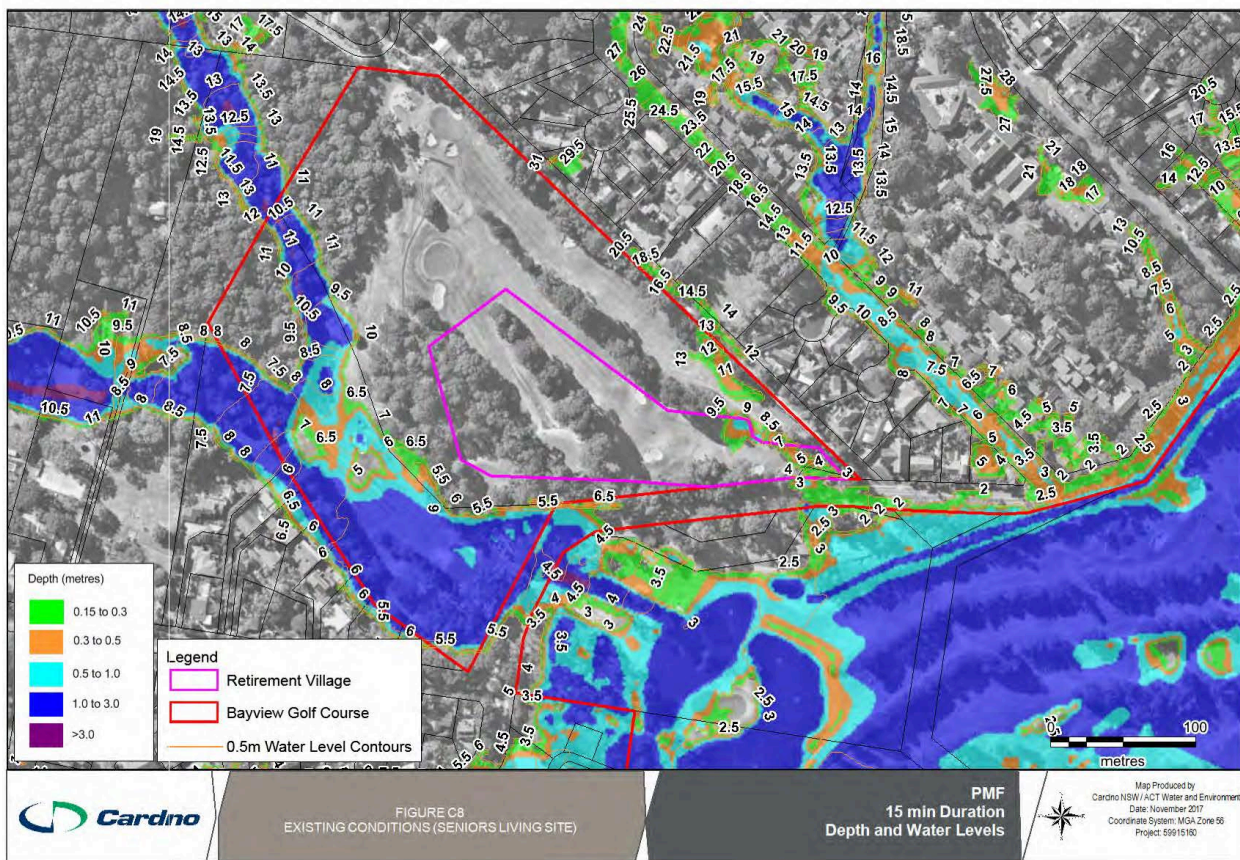
The bushfire assessment report also notes that the proposed tree removal and retention identified in the arboricultural impact assessment prepared by Footprint Green (November 2018) satisfies the recommendations for APZ and geotechnical areas.

The assessment also concluded that the proposed access arrangements to the seniors living development are appropriate for bushfire evacuation.

## 8.7 Flooding

A flood impact assessment (Appendix L) has been prepared by Cardno (June 2019).

The proposed building footprint is located on land above the flood planning level and probable maximum flood level (Figure 22), with the exception of some minor overland flooding at the south east corner of the site near Cabbage Tree Road.



**Figure 22: Probable Maximum Flood level – Existing Conditions (Cardno 2019)**

The flood impact assessment was carried out for the overland flow path which runs to the east of the building footprint to confirm the proposal could be carried out without having any adverse flood impact.

The Pittwater DCP outlines the following maximum flood impacts from development which would be allowable outside the Seniors Housing development:

- 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.

The flood model was updated to include the following proposed measures to be implemented as part of the Seniors Living 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.

The assessment concluded that the impact of the proposed works on flooding would be as follows:

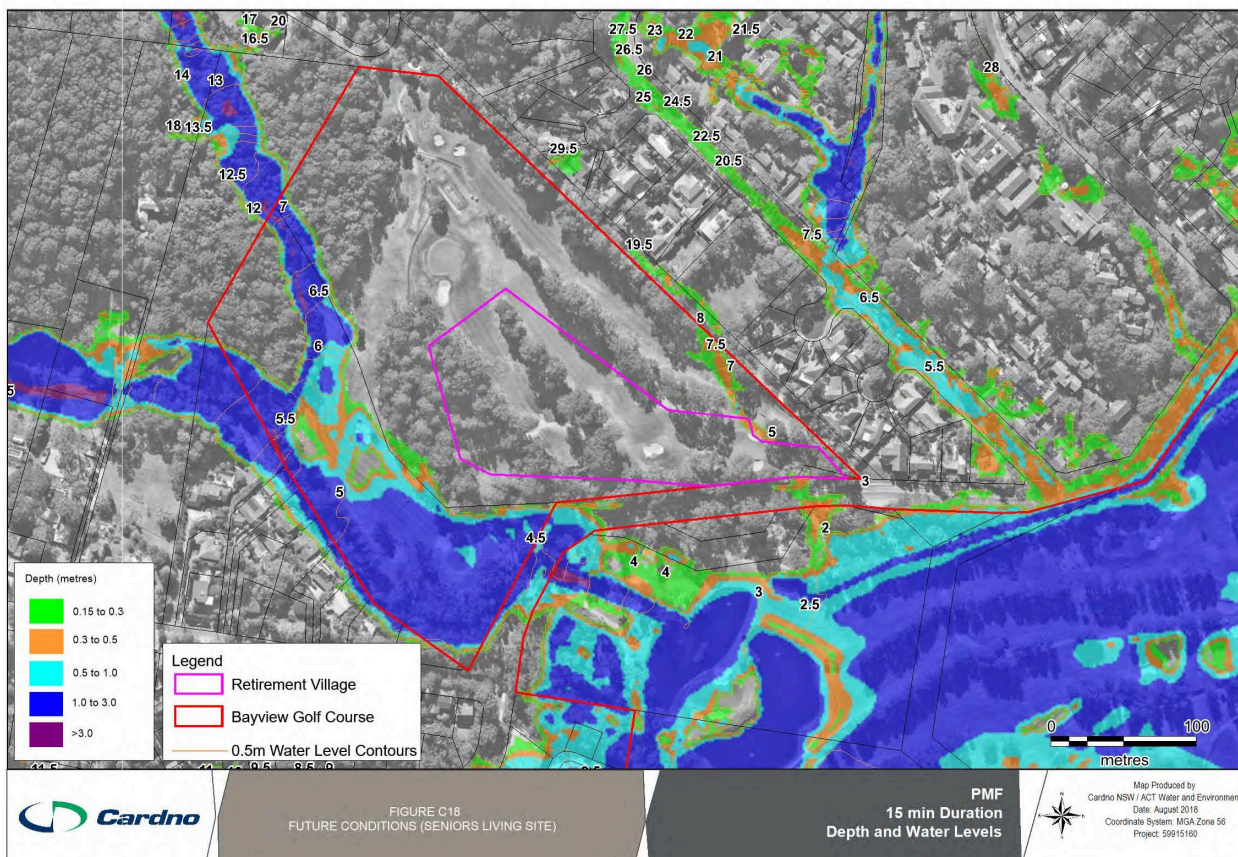
- there is no flooding on the driveway in 1%AEP event or the PMF under Future Conditions
- there is no flooding on Cabbage Tree Road in the vicinity of the entry in 1%AEP event under Future Conditions
- under Existing Conditions in a 1% AEP flood a floodway is mapped at the eastern edge of the building footprint
- the proposed channel and twin pipes will convey the 1% AEP flow through the site such that the floodway is no longer present on the site under Future Conditions
- under Future Conditions Cabbage Tree Road is affected in the PMF with velocities not exceeding 1.0 m/s
- the proposed channel and drainage works 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, and
- there are no adverse off-site impacts in the 1% AEP and the PMF events with reduced flood levels on Cabbage Tree Road in the vicinity of the driveway entry.

The assessment concluded that the off-site impacts on 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.

The flood impact assessment also concluded that the proposed Seniors Living Development complies with the relevant flood related development controls.

Figure 23 below shows that the building footprint is flood free during the PMF post development.





**Figure 23: Probable Maximum Flood level – Future Conditions (Cardno 2019)**

The assessment also considered flood evacuation measures which concluded that given that the site is flood free, that no further consideration of emergency response provisions need to be provided other than for the site to adopt a shelter-in-place strategy for its residents. The assessment concluded that based on guidance provided in Pittwater Council's Flood Emergency Response Planning for Development in Pittwater Policy, the site does not require any consideration of emergency response including road upgrades to provide evacuation routes in the event of flooding.

## 8.8 Stormwater

A stormwater management report (Appendix M) has been prepared by Marchese Partners to outline the proposed stormwater drainage system.

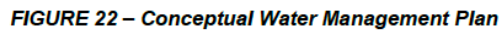
The stormwater management report identified the need for a 1,035sqm on-site detention tank to be constructed below the driveway and landscaping in the lower part of the development site. This would ensure that post-development flows would not exceed pre-development flows and would satisfy the requirements of Council's DCP for on-site storage.

It also highlighted that the proposed construction of a new roundabout on Cabbage Tree Road provides an opportunity:

- to formalise the street drainage system with new pits replacing existing depressions
- re-lay pipework as required to serve the relevant contributing catchment, and
- provide pit surcharge structures to allow overflows to drain in the natural direction of fall.

The report notes the existing street drainage is isolated from Council's drainage infrastructure system and drains across the lakes and creeks within the golf course to Pittwater estuary. The final connection of street drainage will be subject to Council approval.

The conceptual location of the water management plan components is indicated in Figure 24. All stormwater infrastructure is located within the building footprint with the exception of upgrade works on Cabbage Tree Road.



**Figure 24: Conceptual water management plan (Marchese 2018)**

## 8.9 Heritage

An Aboriginal heritage due diligence report (Appendix N) has been prepared by Kayandel Archaeological Services (December 2017). The findings of the report were informed by background research, archaeological surveys and consideration of the likely impacts of the proposed works.

The report notes that the areas of Lot 1 DP 662920 to the north of Cabbage Tree Road have been highly modified as a result of the construction of the golf course, with the exception of the bushland along the north western boundary (outside the building footprint) which was considered to have low to moderate ground disturbance.

No Aboriginal objects were identified within the areas of Lot 1 DP 662920 to the north of Cabbage Tree Road, and the report concluded that these areas have low potential to retain intact archaeological deposits.

The report concluded that an Aboriginal Heritage Impact Permit would not be required prior to commencement of construction, but that development works should proceed with caution, and in accordance with the statutory obligations for Aboriginal heritage under the *National Parks and Wildlife Act 1974*.

A European heritage item is located within the Bayview Golf Course site adjacent to the existing club housing building. The item comprises concrete elephant statues which are listed as a local heritage item



under the Pittwater LEP. The item is located well outside the area proposed for seniors housing and would not be affected by the golf course reconfiguration as outlined in the heritage advice provided by Paul Davies Heritage Consultants (Appendix O).

### **8.10 Servicing**

A preliminary servicing strategy (Appendix P) has been prepared by Martins Consulting Engineers (November 2017) to consider water, sewer and power servicing to support the proposed development. To inform the strategy consultation was carried out with Sydney Water and Ausgrid.

The strategy concludes that the site is able to be serviced as summarised below.

- Sydney Water will require a waste water main to be extended to service the development, with the preferred connection point being at the south of the site near the corner of Annam Road.
- Sydney Water has advised that the existing 100mm water main in Cabbage Tree Road is available for connection at the corner of Annam Road, and is likely to have adequate capacity to service the development.
- The development can connect to overhead power lines along the southern boundary at the corner of Annam Road. There is likely to be requirements for power amplification on or near the site, which will be subject of further discussion with Ausgrid, and will be detailed at construction certificate stage.

### **8.11 Geotechnical and acid sulphate soils**

A geotechnical and acid sulfate soils assessment (Appendix Q) has been prepared by Martins Consulting Engineers (November 2017).

The assessment notes the location of land mapped as geotechnical hazard under the Pittwater LEP adjacent to the building footprint. A geotechnical hazard risk assessment has been undertaken for the proposed works.

The risk assessment concluded that the proposed development is considered to constitute an acceptable risk to life and a low risk to property resulting from geotechnical hazards and is considered acceptable provided risks are mitigated by good hill slope engineering practices and the recommendations of the report are implemented at the development stage.

The assessment noted that the Pittwater Council Acid Sulfate Soils map identifies the building footprint as predominantly class 5 acid sulfate soils with some class 2 at the south east corner.

The assessment concluded that preparation of an acid sulfate soils management plan is not essential for construction of the proposed buildings but that a management plan would be required for any construction works within the south eastern portion of the site, including the proposed new entry / exit road.

The acid sulphate soils management plan would be prepared at the development application stage.

### **8.12 Contamination**

A detailed site investigation (Appendix R) has been prepared by Martins Consulting Engineers (November 2017) to consider potential contamination on the portion of Lot 1 DP 662920 to the north of Cabbage Tree Road.

Laboratory results of soil testing indicated that all contaminant concentrations were below the adopted site assessment criteria. No other potential contamination was observed as part of the assessment. The assessment concluded that the area is suitable for the proposed development.

Prior to any soil material being removed from site, a formal waste classification assessment is required in accordance with NSW EPA Waste Classification Guidelines (2014).

### 8.13 Acoustics

An acoustic assessment (Appendix S) has been carried out by Acoustic Logic (August 2018) to consider:

- potential impacts associated with traffic noise on the proposed development, and
- noise emissions from the operation of the development on sensitive receivers adjacent to the site, being dwellings to the north east and south west.

The assessment outlined a number of noise attenuation treatments and construction measures that should be applied in the construction of the seniors housing development to ensure that it will meet identified noise criteria based on the requirements of AS2107-2016.

The assessment also outlined recommendations for operating arrangements for the proposed restaurant, bar and café, and requirements for the design of mechanical plant equipment to ensure that external noise criteria outlined in Pittwater DCP, NSW EPA Industrial Noise Policy and NSW Liquor and Gaming can be met for sensitive receivers adjacent to the site.

It is envisaged that the requirements outlined in the report could be included as conditions of any future development approval.



## 9 Statement of Compatibility

Clause 24(2) of the Seniors Housing SEPP sets out the requirement for a SCC to be issued prior to development consent for seniors housing on land adjoining land zoned primary for urban purposes or land that is used for the purposes of an existing registered club. Clause 25(5) sets out criteria to be considered by the relevant planning panel in determining a SCC. These criteria are addressed in Table 9.

**Table 9: Consideration of site compatibility criteria**

Site Compatibility Criteria	Consideration
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.	<p>The proposal is compatible with the natural environment.</p> <p>The building footprint is located outside a known geotechnical hazard. Bushfire hazard can be appropriately addressed, including through the ongoing management of identified asset protection zones. The building footprint will be located entirely above the probable maximum flood, following development.</p> <p>Whilst the proposal will result in some removal of native vegetation this can be offset through the Biodiversity Offset Scheme. In addition to these offset measure opportunities have been identified to increase existing 6.86ha of fragmented degraded wildlife corridors.</p>
The impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land.	<p>The site is currently zone RE2 Private Recreation and is used as a golf course. It is proposed that this use will continue into the future, with the course reconfigured to accommodate the seniors housing whilst maintaining and enhancing its private recreation function.</p> <p>The seniors housing development is compatible with the ongoing golf course use. It will also support the continuation of the use by enabling the proposed upgrades to the golf course to ensure the clubs financial resilience and its long term viability.</p>
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	<p>The proposed development will have excellent access to services and facilities in Mona Vale Town Centre and can meet the locational and access requirements of Clause 26 as outlined in Section 4.1.5. The development would not have any adverse traffic impact, as outlined in Section 8.5.</p> <p>The requirements for infrastructure provision, including road upgrades and utility infrastructure will be borne by the developer.</p>
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.	<p>The site is not zoned for open space (see legal advice at Appendix E) or special uses. Nonetheless, as outlined previously in this table the proposal will support the continuation of the private recreation / golf course use by enabling the proposed upgrades to ensure the golf clubs financial resilience and its long-term viability.</p>
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	<p>The building footprint is adjoined by low density residential uses to the east and south west. The development has been located to maximise separation</p>

Site Compatability Criteria	Consideration
existing uses, approved uses and future uses of land in the vicinity of the development.	<p>distances to these sensitive uses with a minimum separation of 39m to the east and 132m to the south west.</p> <p>The proposed bulk, scale, built form and character is considered to be compatible with these surrounding uses. In particular, amendments have been made to the proposal since the previous SCC was issued which enhance this compatibility, including a reduction in height to 8.5m, a reduced building footprint and increased separation distances between buildings.</p> <p>A detailed visual impact assessment has been carried out which demonstrates that visual impact will be minimal as a result of the separation distances, built form and existing and proposed vegetation (see Section 8.2).</p>
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.	The Native Vegetation Act 2003 has been repealed and did not previously apply to the Pittwater LGA. The impacts of clearing of native vegetation under the Biodiversity Conservation Act 2016 have been considered and addressed in Section 8.4.
The impacts identified in any cumulative impact study provided in connection with the application for the certificate.	<p>Clause 25(2)(C) requires a cumulative impact study where the site is within a one kilometre radius of two or more other parcels of land in respect of which there is a current SCC (where development consent has not yet been granted) or there is an undetermined application for a SCC.</p> <p>At the time of writing there were no other current or undetermined SCC's within 1km of the site.</p>

## 10 Conclusion

This application seeks a site compatibility statement for 85 seniors housing serviced self-care dwellings within the Bayview Golf Course.

Clause 24 of the Seniors Housing SEPP requires a SCC to be issued by the relevant planning panel prior to approval of a development application. The SCC is required to certify that in the opinion of the relevant planning panel:

- the site of the proposed development is suitable for more intensive development, and
- development for the purposes 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).

A portion of the site has been previously deemed to be suitable for seniors housing, through the issuing of a SCC by Department of Planning and Environment on 27 March 2017. The previous SCC has now expired.

This proposal subject of this SCC application has been amended since the previous SCC was issued, to enhance its compatibility with the surrounding area including to:

- reduce the number of dwellings from 95 to 85
- reduce the overall height to three storeys with all buildings within the 8.5m height control under the Pittwater LEP
- reduce the building footprint and provide greater separation distances between buildings, and
- reduce the car parking and area of excavation for the basement car park.

The proposal is considered to meet all requirements of the Seniors Housing SEPP in relation to SCCs. In particular, this report demonstrates that the site is suitable for more intensive development. This has been confirmed through extensive technical studies which are discussed in Section 8 and provided as appendices. The key findings of these studies are summarised below:

- The proposal will have minimal visual impact on the surrounding area as a result of its location, the bulk and scale of built form, and the screening that will be provided by existing and proposed vegetation.
- The loss of vegetation associated with the proposal can be offset in accordance with the Biodiversity Offsets Scheme, and opportunities have been identified to increase the existing 6.86ha of fragmented degraded wildlife corridors within the golf course.
- The proposal will not have any adverse traffic impacts and all parking will be accommodated within a basement car park.
- Bushfire hazard can be appropriately management through maintenance of asset protection zones and additional management measures within the geotechnical hazard area. The proposed access arrangements are also suitable for bushfire evacuation.
- The building footprint will be entirely flood free during the PMF post development, and no further consideration is required of emergency response provisions other than for the site to adopt a shelter-in-place strategy for its residents.
- Stormwater flows can be appropriately managed through on-site detention and a series of stormwater treatment measures to meet relevant council requirements.
- No identified Aboriginal or European heritage items would be impacted by the proposal, and potential impacts on Aboriginal archeological heritage can be managed during construction.
- Existing utility services along Cabbage Tree Road can be extended to service the site.
- The proposed development is considered to constitute an acceptable risk to life and a low risk to property resulting from geotechnical hazards and is considered acceptable provided specific recommendations are implemented at the development stage.
- An acid sulfate soils management plan would be prepared at the development application stage to ensure that acid sulfate soils at the south of the site are appropriately managed.

- The contamination investigations carried out indicate that all contaminant concentrations are below the adopted site assessment criteria and it was concluded that the area is suitable for the proposed development.
- The proposal would not adversely impact on the acoustic privacy of surrounding residential uses, subject to recommendations for operating arrangements for the proposed restaurant, bar and café, and requirements for the design of mechanical plant equipment.

The proposal is also considered to be compatible with the surrounding environment, including having regard for the criteria specified in clause 25(5)(b) of the Seniors Housing SEPP, as summarised below.

- The built form and character of the proposed development is considered to be compatible with the surrounding area, which currently comprises a mix of one and two storey single dwelling houses and two to three storeys medium density seniors housing developments and apartment buildings. Further, the bulk and scale of the development has been reduced to enhance compatibility including to limit all development to 8.5m consistent with the Pittwater LEP.
- The proposal is compatible with the natural environment. Environmental hazards including geotechnical, flooding and bushfire can be appropriately managed. Impacts on biodiversity can be managed through appropriate offsets and measures to enhance wildlife corridors within the golf course.
- The existing use as a golf course is proposed to continue in the future, with the course reconfigured to accommodate the seniors housing whilst maintaining and enhancing its private recreation function.
- The proposed development will have excellent access to services and facilities in Mona Vale Town Centre and can meet the locational and access requirements of the Seniors Housing SEPP.

The proposal will contribute to local housing supply and enhance the diversity of housing in the area, whilst meeting the identified high demand for this type of seniors housing. It will also enable upgrades to the Bayview Golf Course to ensure the clubs financial resilience and its long term viability as an important private recreation facility for the Northern Beaches area.



## Appendix A Architectural drawings

## Appendix B    Landscape drawings

## **Appendix C      Visual impact photomontage report**

## **Appendix D     Arboricultural impact assessment**



## Appendix E      Legal advice

## **Appendix F      Letter from Bayview Golf Course**

## Appendix G    Visual impact assessment

## **Appendix H    SEPP 65 – Design verification statement**



## **Appendix I      Biodiversity development assessment report**

## Appendix J      Traffic assessment

## **Appendix K     Bushfire assessment**

## Appendix L      Flooding assessment



## **Appendix M      Stormwater management report**

## **Appendix N      Aboriginal heritage due diligence report**

## Appendix O      European heritage advice

## **Appendix P      Preliminary servicing strategy**

## **Appendix Q      Geotechnical and acid sulfate soils assessment**



## Appendix R      Detailed site investigation

## Appendix S      Acoustics report

## **Appendix T      Access assessment report**

## Appendix U      Site accessibility report

## Appendix V      Previous SCC