



3 October 2019

Ms Amanda Harvey  
Director, Sydney Region East  
NSW Planning & Environment  
320 Pitt Street, Sydney NSW 2000

Our Ref: 2019/557787

Dear Ms Harvey

**Addendum to Northern Beaches Council submission in relation to a Site Compatibility Certificate Application for a Seniors Housing Development at 52 Cabbage Tree Road, Bayview (Bayview Golf Course)**

I refer to your letter dated 6 September 2019 seeking comments with respect to the application for a Site Compatibility Certificate (SCC) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)) for the Bayview Golf Club Site.

Council responded to this application by letter dated 26 September 2019. Council in that letter raised significant concerns regarding the proposed development. Council's previous comments regarding compatibility of the proposed development with the character of the locality and its impact on natural environment are still relevant and should be read as an integral part of this addendum submission.

This letter serves to raise an additional issue regarding permissibility. It is Council's view that Clause 4(6) of SEPP (HSPD) provides that SEPP (HSPD) does not apply to environmentally sensitive land, as described in Schedule 1 of SEPP (HSPD). Environmentally sensitive land includes land identified in another environmental planning instrument by a description or expression "like" those listed in Schedule 1, which includes the phrase "Open Space".

The site is zoned RE2 being Private Recreation under the provisions of Pittwater Local Environment Plan 2014 (PLEP 2014) and the objectives of the zone includes the word "Open Space". The expression contained in PLEP 2014, being the relevant environmental planning instrument, has to be "like" the phrase "Open Space" to be sufficient for the land to be "environmentally sensitive land" within the meaning of SEPP (HSPD). In this case, the exact phrase "open space" is used in the zone objectives, which apply to the land. This suggests that SEPP (HSPD) was not intended to apply to the subject site so as to allow it to be developed for purposes contrary to the land use table in PLEP 2014. For that reason, it would be inappropriate to extend the SEPPs operation to open space land by way of the issue of a SCC.

Should you wish to discuss the matters raised or require any further clarification, please do not hesitate to contact Louise Kerr, Director Planning and Place on 9942 2949 or email [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Yours faithfully

Ray Brownlee PSM  
Chief Executive Officer