

8 April 2020

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

Our Ref: 2020/203735

Dear Ms Harvey,

**Further 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 the Site Compatibility Certificate (SCC) application lodged under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 [SEPP (HSPD)] for the Bayview Golf Club Site.

Council has previously responded to the application by letter dated 26 September 2019 and an addendum submission dated 3 October 2019. In those submissions, Council raised significant concerns regarding the proposed development and its land use permissibility. The issues raised regarding the compatibility of the proposal with the character of the locality and its impact on the natural environment remain relevant.

This addendum raises important issues concerning the permissibility of the development having regard to a recent Land and Environment Court decision at *S J Connelly CPP Pty Ltd and Kate Singleton Pty Ltd t/as Planners North v Northern Regional Planning Panel (No 2) [2019] NSWLEC 199*. That case found that land mapped as “coastal wetlands” under SEPP Coastal Management constitutes “environmentally sensitive land” as described in Schedule 1 of SEPP HSPD. Therefore, based on relevant caselaw, SEPP HSPD does not apply to that land. Accordingly, a SCC could not be granted in respect of that land.

Specifically, the site that is the subject of the SCC includes 12 lots comprising the Bayview Golf Course, as identified in Table 2 of the “*Application for Site Compatibility Statement*” report prepared by FPD Pty Ltd. One of the lots, being Lot 191 in DP 1039481 (**Lot 191**), contains two areas mapped as “coastal wetlands” under SEPP Coastal Management.

Council considers that the inclusion of land mapped as “coastal wetlands” renders the application invalid. Based on this and when combined with the other planning

and environmental matters raised in previous submissions, Council requests that the certificate not be issued.

Should you wish to discuss the matters raised in this letter, please do not hesitate to contact Lashta Haidari, Principal Planner on 9942 2466.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Louise Kerr', is written over a light blue rectangular background.

Louise Kerr  
Director Planning and Place