



Statement of Environmental Effects

Bayview Gardens Retirement Village:
Alterations & Additions

36-42 Cabbage Tree Road, Bayview

On behalf of
Aveo Group Ltd

OCTOBER 2024

MECONE.COM.AU




Mecone acknowledges the Traditional Custodians of the land on where this project is undertaken and across the Mecone offices that this report is prepared, paying respect to the Elders past and present. We recognise the ongoing connection of Aboriginal and Torres Strait Islander peoples to land, waters, and culture.

Project director

Chris Shannon

Contributors

Prisha Singh

Revision	Revision date	Status	Authorised: Name & Signature
1	16/10/2024	Draft	Chris Shannon 

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 Introduction

This Statement of Environmental Effects (**SEE**) has been prepared by Mecone Group Pty Limited (**Mecone**) on behalf of Aveo Group Pty Ltd (**Applicant**) to support a Development Application (**DA**) to Northern Beaches Council (**Council**) at 36 - 42 Cabbage Tree Road, Bayview (the **site**).

This DA seeks development consent for alterations and additions to an existing retirement village to improve the accessibility of the site. Specifically, the DA proposal involves the following:

- refurbishment works to the existing community centre

An assessment of the proposed development in relation to the matters for consideration set out under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) have been considered within this SEE and should be read in conjunction with accompanying documentation.

The SEE is structured as follows:

- **Section 2 – The site:** provides an analysis of the site, its history and its context
- **Section 3 – The proposal:** provides a detailed description of the proposal
- **Section 4 – Statutory planning framework:** assessment of the proposal against relevant State and local environmental planning instruments and development control plan
- **Section 5 – Planning evaluation:** assessment of the proposal's environmental impacts and identification of mitigation measures where required. This section also outlines why the site is suitable and the proposed development is in the public interest
- **Section 6 – Conclusion:** provides an overview and conclusion of the development assessment for the development application.

It is considered that this application will result in positive economic, social and environmental planning outcomes. It is compliant with statutory controls and Council guidelines, and results in no significant impacts. Therefore, it is requested that Council officers exercise delegated authority to approve the proposed development.



2 The site

The site comprises an irregular shaped allotment, legally identified as Lot 121 DP 789400. The site has an approximate area of 7.49 hectares and is currently occupied by the Bayview Gardens Retirement Village, operated by Aveo. The site is bound by Cabbage Tree Road to the southeast and Annam Road to the southwest, northwest and northeast boundaries.

The site features generally low rise, campus style residential accommodation within a bushland setting. The site includes a significant slope for a residential setting with the high point located at the northwest of the site near Annam Road. The site is bisected into two parcels by a north south drainage line that we understand is owned by Northern Beaches Council (to be confirmed by title search) that is zoned RE1 Public Recreation.

An aerial view of the site is provided in **FIGURE 1**.

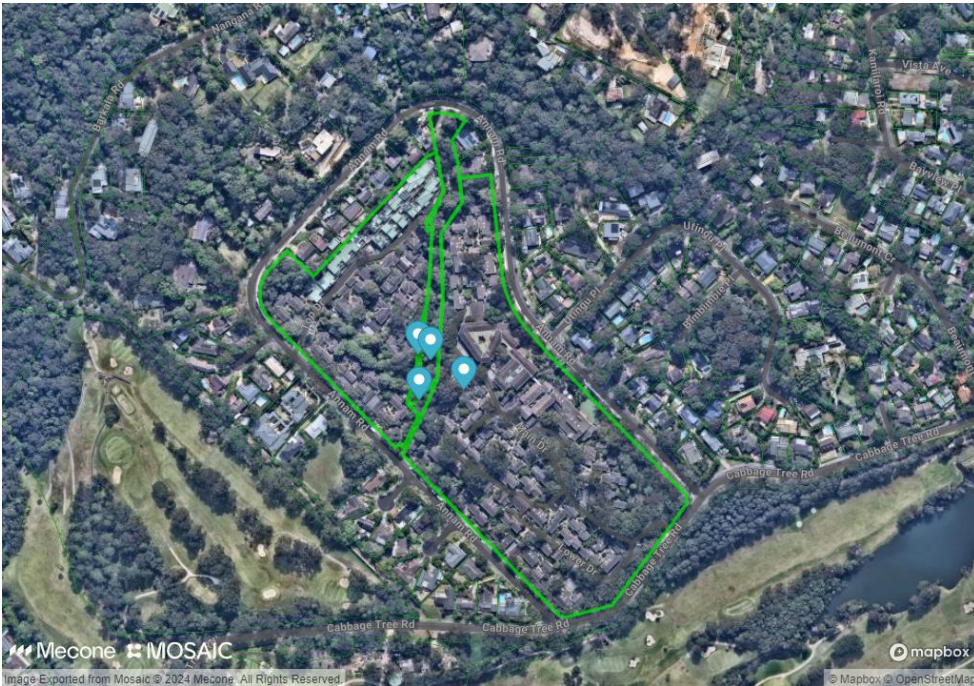


FIGURE 1 – Aerial view of the site

Source: Mecone



2.1 Site history

Northern Beaches Council online DA tracker indicates several historic applications have been pursued over the site. These are listed below.

- Development Application T0311/15 - Tree/Bushland Works (Submitted: 23/06/2015). Status: Approved.
- Development Application T0264/14 - Tree/Bushland Works (Submitted: 03/06/2014). Status: Approved.
- Development Application T0160/14 - Tree/Bushland Works (Submitted: 25/03/2014). Status: Approved.
- Development Application T0238/13 - Proposal: Tree Works involving (Submitted: 21/05/2013). Status: Approved.
- Construction Certificate CC0321/05 - Additional 32 residential units and carparking under the provisions of SEPP 5 (Submitted: 17/05/2005). Status: Occupation Certificate Received.
- Development Application N0765/04 - Construction of a gardener's enclosure (Submitted: 14/10/2004). Status: Approved.
- Development Application DA9077/92 – Additions workshop office and carparking Auth No: DU Consent No: 00000 PF 0810/L1 (Submitted: 05/08/1992). Status: Approved.
- Development Application DA0203/92 – Retirement village alterations NS Auth No: DU Consent No: 00000 PF 0810/36 (Submitted: 27/04/1992). Status: Approved.

Approved Development Applications related to retirement village alterations and residential units under SEPP 5, indicate that consent for the existing use, being seniors housing, has been granted, and most likely outdates the councils online tracker. This depicts that the consent has been activated and the use continues to operate, despite it being non-permissible under the LEP.



3 The proposal

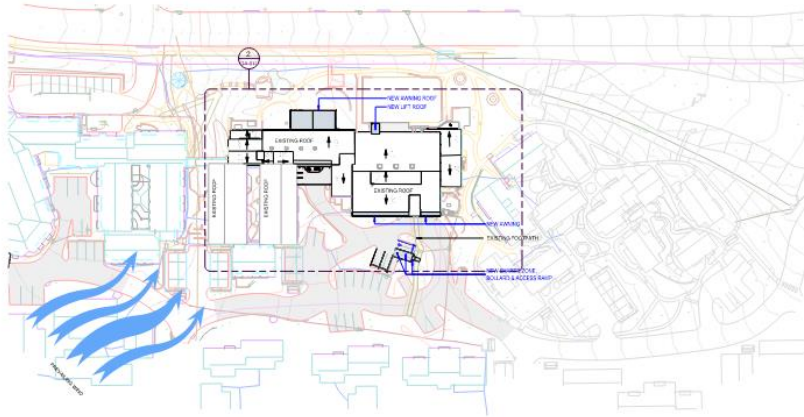
This DA seeks consent for alterations and additions consisting of improvement works to the existing AVEO Bayview Retirement Village.

It is critical for retirement villages like the AVEO Bayview Retirement Village to continuously maintain and improve site facilities. The community facility provides a communal area for residents to connect and enjoy social and leisurely activities, which are essential for health and liveability. The proposal aims to contribute to the inclusive and accessible design of the retirement village through a variety of proposed improvements.

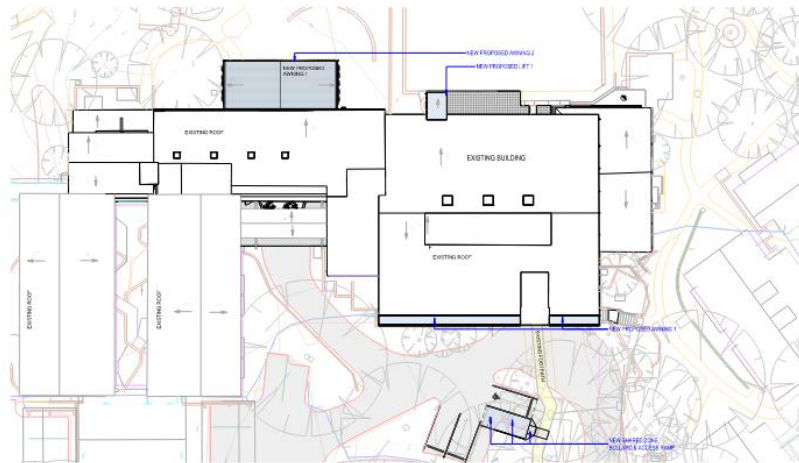
A summary of the proposed works is provided below:

- internal refurbishment works to the existing community centre, consisting of the following:
 - ground floor:
 - demolition works
 - New outdoor dining area
 - New entry awning and paving
 - new bathroom
 - new vinyl flooring
 - new glazing and doors
 - new exit door
 - new external paving
 - new columns
 - new planter box
 - new tiles to balcony
 - new shopfront door glazing and tiles to salon
 - new external lift
 - new internal platform lift
 - proposed entry door airlock and tiled floor
 - lower ground floor:
 - proposed storeroom
 - proposed wall and door for gymnasium
 - installation of door signage
 - new handrails
 - new platform lift
 - proposed accessible WC

Plans of existing and the proposed development are included at **FIGURE 2, FIGURE 3 AND FIGURE 4.**



Site Analysis
Scale: 1:1000
Date: 11/2023



Roof Plan - Proposed Outdoor Awning & LR
Scale: 1:1000
Date: 11/2023

FIGURE 2 – Proposed site and roof plan
Source: boker architecture + interiors

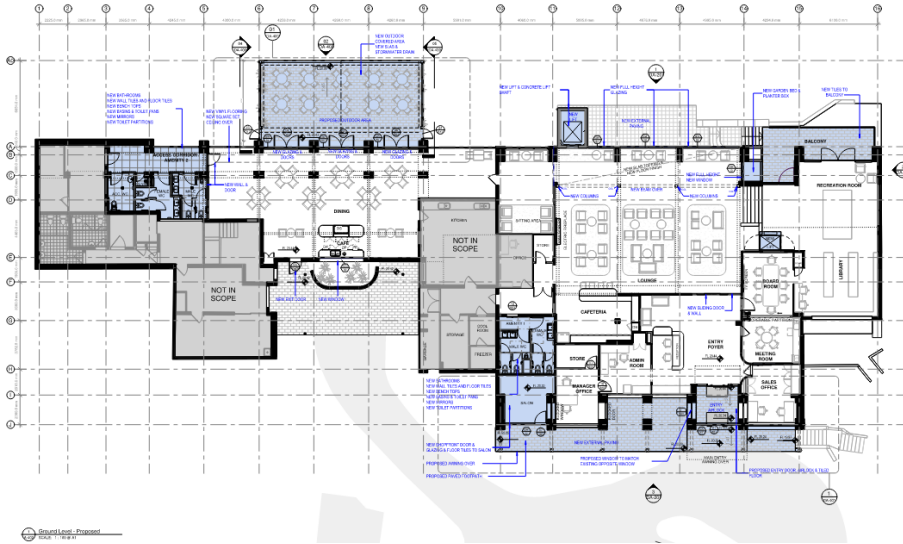


FIGURE 3 – Proposed ground floor plan
Source: boker architecture + interiors

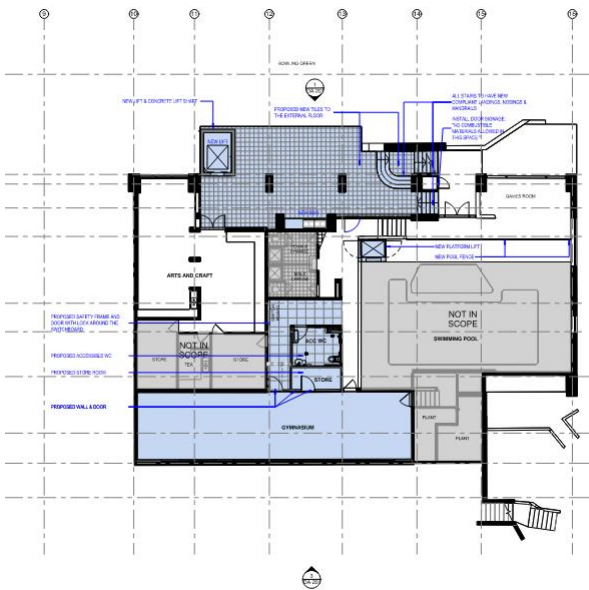


FIGURE 4 – Proposed ground floor plan
Source: boker architecture + interiors

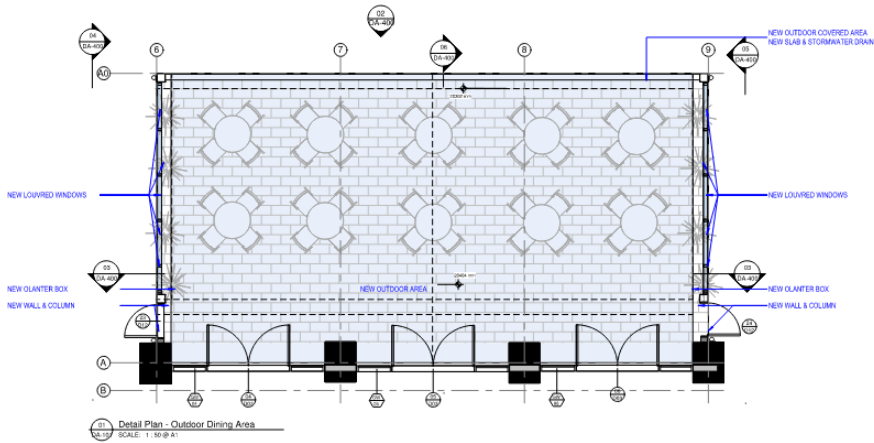


FIGURE 5 – Proposed outdoor dining area
Source: boker architecture + interiors



4 Statutory planning framework

This section provides a preliminary assessment of the proposal in relation to key relevant provisions contained in section 4.15(1)(a)(i)-(iii) in the EP&A Act, environmental planning instruments, draft environmental planning instruments, and the applicable development control plan. Where necessary, a more detailed assessment is undertaken in the following section.

4.1 Environmental planning instruments

The relevant State and local environmental planning instruments that apply to the site and the proposal include:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Recourses and Energy) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Pittwater Local Environmental Plan 2014.

Table 1 SEPP Assessment Summary

SEPP	Provision	Compliance
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>		Complies The proposal will have minimal impact on biodiversity as minimal tree removal is proposed.
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	-	NA
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	-	NA
<i>State Environmental Planning Policy (Primary Production) 2021</i>	-	NA
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The SEPP stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if so whether the land is suitable in its contaminated state for the purpose of the development or whether remediation is required.	Complies In accordance with previous development applications and the continuous use of the site, there is no evidence of contamination.




State Environmental Planning Policy (Recourses and Energy) 2021	-	NA
State Environmental Planning Policy (Sustainable Buildings) 2021	-	NA
State Environmental Planning Policy (Transport and Infrastructure) 2021	-	NA

4.1.1 Pittwater Local Environmental Plan 2014


The Pittwater Local Environmental Plan 2014 (**PLEP**) is the principal environmental planning instrument applicable to the site, located within the Northern Beaches LGA. An overarching assessment with regard to the relevant clauses for this DA is provided below.

Table 2 Compliance with Pittwater LEP 2014

Clause	Provision	Response
2.3 Zone objectives and Land Use Table	<p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> 	<p>Does not comply</p> <p>Senior's housing is prohibited in the R2 zone hence the proposed works must rely on existing use rights as outlined in Division 4.11 of the Environmental Planning and Assessment Act. Refer to assessment at Section 5.1 below.</p>
4.3 Height of buildings	<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>- 8.5m</p>	<p>NA</p> <p>No changes are proposed to the existing height of building.</p>
4.4 Floor space ratio	<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>NA</p> <p>The site is not subject to an FSR limit.</p>
4.6 Exceptions to development standards	<p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>NA</p>

Commented [CS1]: Are there external work? If so, this is relevant and we should just state it complies.



5.10 Heritage conservation	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Pittwater,</p>	<p>NA</p> <p>The site is not a local heritage item and is not in the immediate vicinity of a heritage item.</p>
5.21 Flood planning	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p>	<p>Complies</p> <p>The development involves alterations to an existing building, so no further flood impacts will result from the development. The proposed works contribute to minimising flood risk. Further discussion is provided in Section 5.4.</p>
7.1 Acid sulfate soils	<p>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> 	<p>Complies</p> <p>The proposed works are located on Class 5 Acid sulfate soils. The site is also partially impacted by Class 2 acid sulfate soils. Proposed works will minimise disturbance and environmental damage.</p>
7.6 Biodiversity	<p>(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p>	<p>Complies</p> <p>The entire site is identified as land containing biodiversity on the LEP Biodiversity Map. The proposal avoids a significant adverse environmental impact and has been sited to avoid any impacts to existing vegetation and fauna. As the proposal is only for internal refurbishment, minimal impacts on biodiversity will result from the development. Further information is provided in the Arborist Report submitted with this application.</p>
7.7 Geotechnical hazards	<p>(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—</p> <p>(a) matches the underlying geotechnical conditions of the land, and</p> <p>(b) is restricted on unsuitable land, and</p> <p>(c) does not endanger life or property.</p>	<p>Complies</p> <p>The site is partially impacted by Geotechnical Hazard H1.</p> <p>The proposed development demonstrates that geotechnical risks have been considered and can be appropriately managed. A Geotechnical Investigation and Stability Assessment prepared by JK Geotechnics</p>

Commented [CS2]: This would be N/A

Commented [CS3]: Is the site in the flood planning area?



has been provided in support of this application. Further discussion is provided in **Section 5.4**.

4.2 Development Control Plan

The site is subject to the provisions of the Pittwater Development Control Plan 2021 (**PDCP 2021**).

An assessment of the application against relevant provisions of the DCP is provided in **Table 2** below. The assessment has found the application is compliant with the requirements of the DCP in respect of key matters such as impacts on CTED Principles, accessibility and housing.

Table 3 – Compliance with Pittwater 21 DCP

Clause	Provision	Response
C1 Design Criteria for Residential Development		
C1.2 Safety and Security	<p>1. Surveillance</p> <p><i>Building design should allow visitors who approach the front door to be seen without the need to open the door.</i></p> <p><i>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</i></p> <p><i>Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</i></p> <p><i>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</i></p> <p><i>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</i></p> <p><i>Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</i></p>	<p>Complies</p> <p>The proposal allows for natural and passive surveillance of the community centre through the effective use of open space and windows. The facility design limits concealment and facilitates the natural overlooking of various areas within the retirement village.</p>



	<p><i>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</i></p>	
	<p><u>2. Access Control</u></p> <p><i>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</i></p> <p><i>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</i></p> <p><i>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</i></p> <p><i>The street number of the property is to be clearly identifiable.</i></p> <p><i>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</i></p>	<p>Complies</p> <p>The proposal incorporates access control measures through the proposed entry doors for the community centre. Entrances will be appropriately lit and visible from the street, and locksets and door handles will comply with Australian standards.</p>
	<p><u>3. Territorial reinforcement</u></p> <p><i>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</i></p> <p><i>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</i></p> <p><i>Blank walls along all public places (streets, open space etc) shall be minimised.</i></p>	<p>Complies</p> <p>The proposal involves refurbishment works to the existing communal facility, which will encourage residents to interact outside of their private dwellings and reinforce a sense of ownership to the public.</p>
	<p><u>4. Space management</u></p> <p><i>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</i></p> <p><i>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</i></p> <p><i>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</i></p>	<p>Complies</p> <p>The proposal improves the refurbishment of the community centre to ensure that indoor and outdoor spaces are well-utilised and designed to promote CPTED principles that reduce the likelihood of crime on the site.</p>
C1.9 Adaptable	<p><u>Accessibility for all development</u></p>	<p>Complies</p>



<p>Housing and Accessibility</p>	<p><i>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and ensure access to the site from the public domain.</i></p> <p><i>Development within areas subject to flooding must provide for access on land within private ownership in this regard ramps must not encroach into the public domain.</i></p>	<p>The proposed works do not encroach into the public domain and ensure accessibility to the frontage of the site onto surrounding public roads, being Annam Road and Cabbage Tree Road.</p>
<p>C1.21 Seniors Housing</p>	<p><u>Cumulative Impact</u> <i>Seniors housing developed in accordance with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, outside the R3 Medium Density Residential and B4 Mixed Use zones shall:</i></p> <ul style="list-style-type: none"> • <i>Be in keeping with the development of the surrounding area in regard to bulk, building height, scale and character.</i> • <i>Not result in such an accumulation of Seniors Housing developments to create a dominant social type in the surrounding neighbourhood.</i> • <i>Not result in such an accumulation of Seniors Housing developments to create a dominant 'residential flat building' appearance in the neighbourhood.</i> 	<p>Complies</p> <p>The proposal will result in no change to seniors residential accommodation on the site, and preserves the existing bulk, scale and character of development in the area.</p>



5 Planning evaluation

This section provides an assessment of the key planning matters arising in relation to the proposed development, under section 4.15 of the EP&A Act, including environmental impacts on both the natural and built environments, and social and economic impacts; consistent with section 4.15(1)(b) of the EP&A Act.

This section also addresses matters contained in section 4.15(1)(c) and (e) in the EP&A Act including suitability of the site and if the proposal is in the public interest.

5.1 Land use

The site is zoned R2 Low Density Residential under the PLEP 2014 (refer to **Figure 8** below).

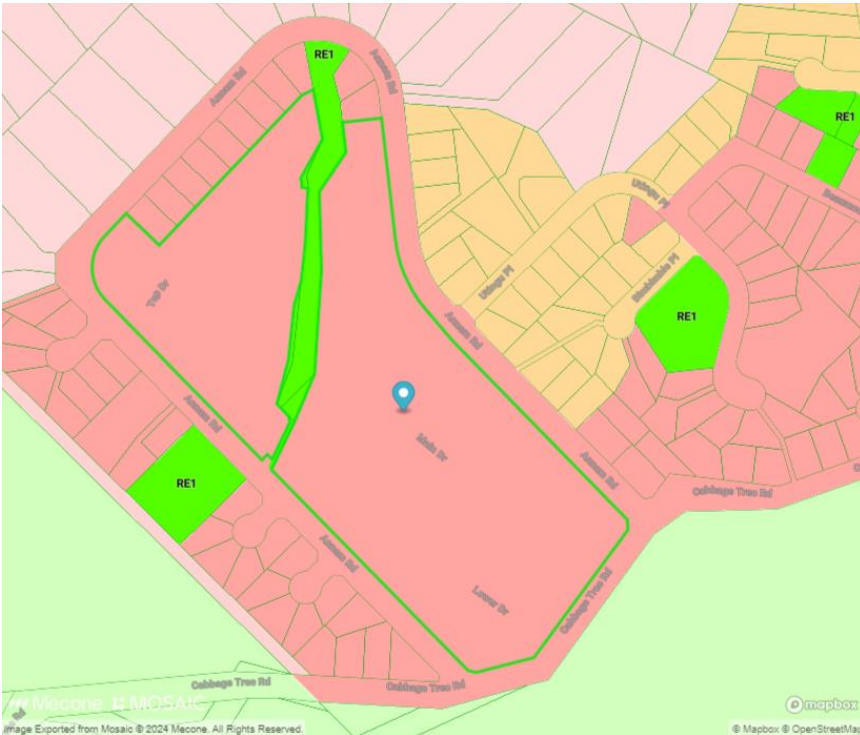


FIGURE 6 – PLEP2014 Land Use Zoning Map (site outlined in green)

Source: PLEP2014 / Mecone Mosaic

The site is zoned R2 Low Density Residential. A portion of land which traverses the site is zoned RE1 Public Recreation. The proposed works are classified as ancillary development to the existing seniors housing located on site. Seniors housing is prohibited in the R2 zone and therefore the proposed works are prohibited under the current LEP controls.



As the site contains environmentally sensitive land, the proposed works are also not permitted under the Housing SEPP. As such, proposed works will need to rely on existing use rights as outlined in Division 4.11 of the EP&A Act.

5.2 Existing use rights

The proposed works are considered ancillary to the existing use of the site, being seniors housing. Senior's housing is not permissible with consent under the R2 Low Density zone. Therefore, the proposed works can be undertaken under Division 4.11 of the EP&A Act, which authorises a use for which development consent was granted before the commencement of a provision having the effect of prohibiting that use. The sites history indicates continuous use as a Retirement Village since first approved, indicating that the consent has not lapsed, and the site can continue to be used for the purpose of seniors living.

5.3 Built form

The proposed alteration and additions to the retirement village aim to enhance accessibility and mobility within the existing built form through the proposal of internal and external lifts. The development maintains the villages character and integrates seamlessly with the surrounding environment, ensuring cohesive appearance. The design emphasises functionality with improvements to circulation pathways and access points, while also considering the villages aesthetic appeal.

The proposal remains primarily consistent with the existing built form and no major changes are proposed. Refer to the architectural drawings submitted with this application.

5.4 Tree removal

An Arborist was engaged to inspect the resulting effect of the development on the tree population at the site. An Arborist report prepared by has been submitted with the application and details the impact of the proposal by the extent of disturbance in Tree Protection Zones, where the trees that may be affected by the development are listed in **Figure 6** below. As conveyed in the report, trees of high ecological importance will not be affected by the proposed works. The proposed development will necessitate the removal of one tree of low retention value, which is exempt from councils Tree Preservation Order due to its height. Hence, the tree can be described as an ornamental shrub and its removal will not result in a significant impact to the sites biodiversity.

Table 1: Summary of trees that may be affected by development

Impact	Reason	Important trees		Unimportant trees	
		AA	A	Z	ZZ
Retained trees that may be affected through disturbance to TPZs	Removal of existing surfacing/structures/landscaping and/or installation of new surfacing/structures/landscaping	10, 11, 30	5, 6, 7, 8, 9, 12, 13, 14, 15, 18, 19, 27, 28	2, 3, 4, 16, 17, 20, 21, 23, 24, 25, 26, 29	1
Trees to be removed	Building and driveway construction and/or level variations within TPZ			22	

FIGURE 7 – Arboriculture Impact Appraisal and Method Statement extract
Source: EziGrow



5.5 Geotechnical hazard

The application is accompanied by a Geotechnical Investigation prepared by JK Geotechnics, that assesses the proposed works for the outdoor dining area and external paved area, where it was recommended that following demolition of the existing slab, and root affected soil and deleterious fill should be stripped of the site. Additionally, any unsuitable subgrade areas should be locally excavated and replaced with engineered fill. Therefore, the report concluded that the proposed works are safe to be undertaken on the site taking into account the stated recommendations, as well as further comments provided in the report.

5.6 Flooding

A Section 10.7 (2&5) Certificate obtained from Northern Beaches Council confirmed the site is subject to flood related development controls. Additionally, the site is affected by estuarine processes and has been identified in Councils Estuarine Risk Management Policy for Development in Pittwater, as well as in the Pittwater 21 Development Control Plan as having future exposure to tidal inundation and erosion caused by tidal waters. As the proposal consist of refurbishments to an existing facility on the site there will be no further impacts from flood risks. Nonetheless, the proposal addresses the sites flood prone nature by enhancing accessibility and wayfinding through proposed signage, therefore contributing to safer evacuation procedures. Therefore, the proposed improvements contribute to the sites safety for residents.

Refer to flood map obtained from councils website in **Figure 6 & 7** below.

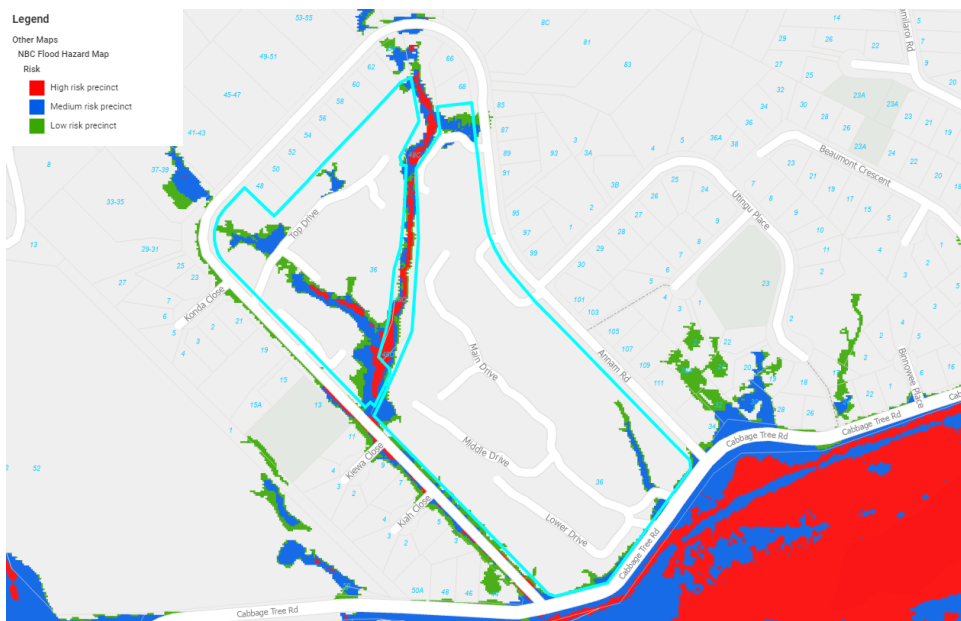


FIGURE 8 – Northern Beaches Council Flood Hazard Map
Source: Northern Beaches Council

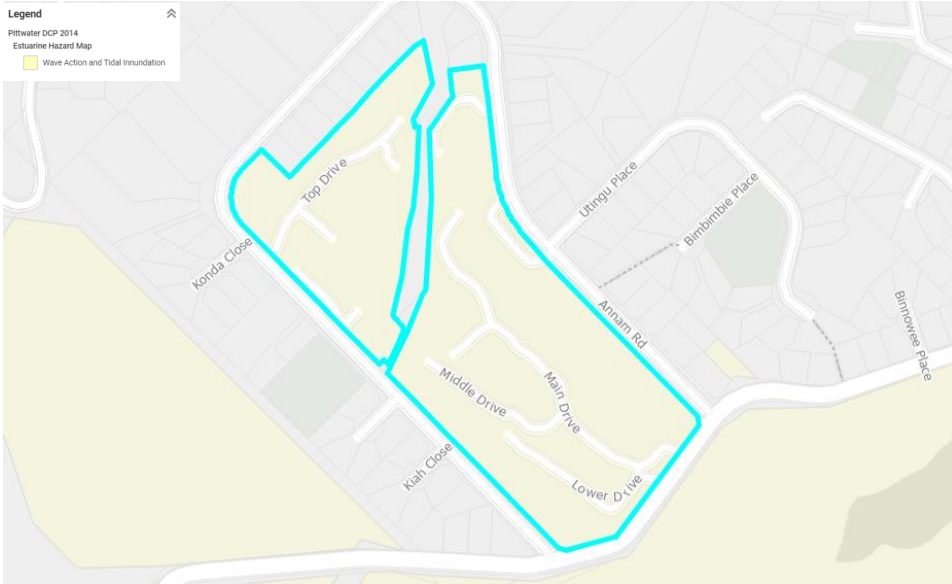


FIGURE 9 – Northern Beaches Council Estuarine Hazard Map
Source: Northern Beaches Council

5.7 Fire safety

A Bushfire Assessment Report prepared by Bushfire Hazard Solution P/L has been submitted with this application. The site is depicted on Northern Beaches Council's Bushfire Prone Land Map (BPLM) as not containing any type of bushfire prone land as depicted in **Figure 8**. Nonetheless, the proposed development was considered against the objectives that apply to existing Special Fire Protection Purpose development, where it was conclusive that the minor works proposed will not affect bushfire risk on the site, and the bushfire assessment concluded as being in favour of the application.

Commented [CS4]: Confusing? Is the site bushfire prone according to the BFP land map?

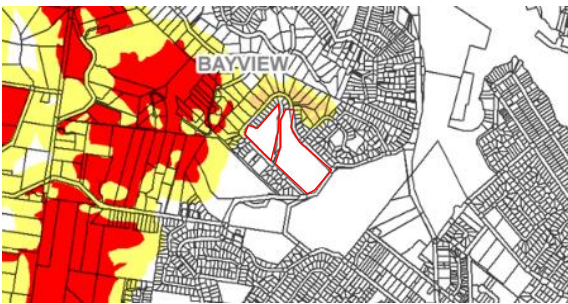


FIGURE 10 – Northern Beaches Council Bushfire Prone Land Map
Source: Northern Beaches Council



5.8 Waste management

A Waste Management Plan prepared by Boker Architecture + Interiors has been submitted with the application. The proposed alterations and additions to the communal facility on the site is expected to generate material waste that will either be re-used on the site for gardening purposes or recycled at an offsite recycling outlet. An estimated 52% of waste generated from demolition will be recovered through recycling strategies.

Commented [CS5]: Review and redraft specific for this DA

5.9 Building Code of Australia

A BCA and DDA Capability Statement prepared by BMP Plus dated 2 October 2024 assessed the proposed development to ensure compliance with the fire hazard property requirements of the Building Code Australia (BCA). The proposed building materials are required to comply with specific requirements stated within the report, and all materials incorporated in an external wall must be non-combustible. The design will be reviewed during the Construction Certificate process to ensure all aspects meet BCA requirements, including any performance-based determinations. Overall, the proposal generally complies with the relevant BCA controls. Further recommendations and limitations are detailed in the BCA & DDA Capability Statement submitted with this application.

5.10 Suitability of the site

The proposed development is suitable for the site for the following reasons:

- it relates to alterations and additions for improved amenity, accessibility and way-finding
- the proposed land uses do not change from those currently provided in the retirement village
- the proposal is consistent with the relevant environmental planning instruments and DCP controls
- adequate mitigation measures have been identified to ensure there will be no adverse environmental impacts.

5.11 Public interest

The proposed development is within the public interest for the following reasons:

- the proposal provides suitable uses for the site
- it will improve mobility and accessibility for residents of the retirement village, contributing to meeting flood planning controls in accordance with the Northern Beaches LEP
- the proposal aligns with the needs of an aging population and contributes to community well-being
- the proposal is capable of mitigating any potential environmental impacts.



6 Section 4.15 assessment

The table below provides an assessment of the proposal against the provisions under Section 4.15(1) of the EP&A Act 1979.

Table 4 - Section 4.15 assessment summary

Section no.	Description	Assessment
(1)	Matters for consideration - general	
(a)(i)	<i>The provision of: Any environmental planning instrument, and</i>	Complies The proposal has been assessed against the relevant provisions of applicable EPIs in Section 4 . Seniors housing is prohibited in the R2 zone under PLEP. The DA relies on existing use rights provisions in the EP&A Act. The existing seniors housing development has development consent and its use has been ongoing. The existing use rights have not been abandoned.
(ii)	<i>Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director – General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	N/A
(iii)	<i>Any development control plan, and</i>	Complies The proposed development is consistent with the PDCP. Refer to Section 4.2 .
(iiia)	<i>Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into Section 7.4, and</i>	N/A
(iv)	<i>The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	Complies The proposal complies with the regulations to the extent they are applicable to the proposed works.
(v)	<i>(Repealed)</i>	N/A
(b)	<i>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Complies The proposals provide beneficial social and economic impacts. Adequate mitigation measures have been identified to ensure there will be no adverse environmental impacts.
(c)	<i>The suitability of the site for the development,</i>	Complies The proposed development does not alter the suitability of the site to accommodate the approved seniors housing..
(d)	<i>Any submissions made in accordance with this Act or the regulations,</i>	For consideration following notification of the development.
(e)	<i>The public interest</i>	The proposed development is in the public interest and will support a safe and accessible community centre.



7 Conclusion

This DA seeks consent for alterations and additions to a community centre located within the Bayview Gardens Retirement Village to support the quality of amenities and accessibility for the residents of the retirement village. The proposed alterations and additions are sensitive to the built form, responds to councils bushfire and flooding controls and aligns with the objectives of the Pittwater DCP.

Assessment has been undertaken against the relevant heads of consideration pursuant to section 4.15(1) of the EP&A Act, relevant EPIs and PDCP. The site benefits from existing use rights for the use as a seniors housing. The existing seniors housing on the site has development consent, which has been continuing since consent was granted. The DA relies on the existing use right under Division 4.11 of the EP&A Act.

An assessment of the key planning matters has identified that any potential environmental impacts can be appropriately mitigated through detailed design following development approval.

The application is compliant with the statutory controls and the uses are permitted with consent. Furthermore, the proposal will lead to positive social, economic and environmental outcomes and results in no unacceptable impacts. Therefore, the proposal has planning merit and development consent should be granted.



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