

Mr Greg Boston
Director
Boston Blyth Fleming Town Planners
Suite 1, 9 Narabang Way
Belrose NSW 2085

16/09384

Dear Mr Boston

Thank you for your letter to the Executive Director Regions, Department of Planning and Environment, regarding the permissibility of seniors housing on land now zoned E4 Environmental Living under *Pittwater Local Environmental Plan 2014* (PLEP). The Executive Director has asked me to reply on his behalf.

I understand that *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP) previously applied to certain land, including the subject sites in Pittwater zoned 2(a) Residential under PLEP 1993. I note that the sites are now zoned E4 Environmental Living under PLEP 2014.

Clause 4(6)(a) of the SEPP excludes land described in Schedule 1 Environmentally Sensitive Land. Schedule 1 of the SEPP states that "land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions" includes environment protection.

The Department's investigations suggest that land in zone E4 Environmental Living of PLEP 2014 falls within a description of "environmental protection" for the purpose of Schedule 1 of the SEPP. This is supported by the E4 zone being listed under the "Environment Protection Zones" heading in the LEP. Further, the Department notes that the objectives of the E4 zone, which include ensuring that residential development has a low-impact on special ecological values, is a similar description to "environment protection".

As a result, it is the Department's view that the site is excluded from the application of the SEPP and development for the purposes of seniors housing is not permissible.

The Department suggests that options to permit seniors housing on the subject sites include making an amendment to PLEP 2014 to permit seniors housing as an additional permitted use under Schedule 1 of the LEP. An alternative is to rezone the subject sites to a zone which permits seniors housing under the LEP or a zone that is considered land zoned primarily for urban purposes under the SEPP. I encourage you to discuss these options, and suitability for application to the subject sites, with Northern Beaches Council to understand their position on this matter.

If you have any further questions regarding this matter, please contact Ms Lauren Templeman of the Department's Sydney Region East section on (02) 9228 6590.

Yours sincerely

 9/8/16
Karen Armstrong
Director, Sydney Region East
Planning Services