



APP Corporation



Wilga Wilson Precinct – Site Compatibility Certificate

SUPPLEMENTARY SUBMISSION

Date: April 2012

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1. Introduction

The Wilga Wilson Precinct presents a unique opportunity to deliver up to 880 dwellings, apartments and assisted living accommodation units for seniors and people with a disability together with social infrastructure together with services for the residents and broader community in the short to medium term. The land owners, who in the majority are long term land owners, are working collegiately to achieve this objective. They have been pursuing opportunities to realise the urban development potential of the land for more than 30 years.

This supplementary report has been prepared in support of the application made for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2005 (SEPP Seniors) by the owners of the site known as the Wilga-Wilson Precinct.

The purpose of this report is to address the concerns raised by Pittwater Council in relation to the grant of a site compatibility certificate. The primary objections of Pittwater Council to the grant of the site compatibility certificate is not environmental or physical constraints presented by the site, not servicing issues and not because there is no identified need for Seniors Housing or housing generally in the Pittwater local government area. Rather the primary concern is that if the site compatibility certificate is issued the Council will have no avenue to obtain contributions from the site for local or state infrastructure and that if the site is developed for seniors housing the feasibility of the remainder of South Ingleside may be affected.

The Council has acknowledged that the site is capable of supporting residential development as proposed; Sydney Water has indicated that there are no significant issues identified in servicing not only the site but the South Ingleside Area in terms of water and sewerage services. The application for the site compatibility certificate included an accessibility report that demonstrated the accessibility of the site in terms of considerations under SEPP Seniors, documented the proposed extension of public transport to and through the site and the proposals to upgrade the intersections of local roads, identified key physical features of the site and the land capable of development without constraints. The application also identified the physical linkages available between the site and the surrounding neighbourhood (vehicular, pedestrian and ecological corridors) and the opportunity to link the future seniors housing development socially with the broader community.

There is a demonstrated demand and community support for housing generally and seniors housing within the Pittwater LGA, the proposed Seniors Living development can meet part of that demand. Development of seniors housing on this site and its occupation by residents of Pittwater will free up existing housing stock for younger families.

The physical and economic limitations on development faced by other precincts in the Ingleside Release Area are not relevant to the Wilga Wilson Precinct. The land is capable and available for development today. Over capitalisation of the land in the Wilga Wilson Precinct has not occurred, it is available for development and importantly the owners within the precinct are collaboratively working together to realise the potential of the land.

In order to address the Council's concerns in relation to lost opportunities to recoup contributions the Wilga Wilson Residents Association invite the Director-General in issuing a site compatibility certificate to issue a conditional certificate.

The Association is prepared to accept a condition on the site compatibility certificate that precludes the lodgement of a development application until either

- a) draft Section 94 Contributions Plan or draft Section 94A Plan for fixed development consent levies has been prepared and submitted to Council for consideration, or
- b) the terms of a draft voluntary planning agreement (VPA) have been agreed between an applicant and the Council (and Department of Planning and Infrastructure as appropriate), or
- c) in the opinion of the Director-General, where neither (a) or (b) have been achieved in a period of 12 months from the grant of the site compatibility certificate, the Wilga Wilson Residents Association or an applicant for development have made their best endeavours to assist Council in the preparation of a section 94 contributions plan or to negotiate the terms of a draft VPA without success, that the condition of the site compatibility certificate has been satisfied and a development application can be lodged.

In this way conditional site compatibility certificate would enable the planning and design of the Seniors Living proposal to progress concurrently with the preparation of a reasonable and equitable contributions framework and enable the discussions and investigations by the Department and Council on broader Ingleside Release Area issues to continue. A twelve month period is considered an adequate time frame to enable the parties to work collaboratively to achieve an equitable framework through which the Wilga Wilson precinct can contribute towards local and state infrastructure funding and provision. A conditional site compatibility certificate will ensure that the interests of all parties are met and enable the delivery of housing in the short term.

The Wilga Wilson Residents Association has previously offered to Council that the parties enter into negotiations for the preparation of a voluntary planning agreement or site specific section 94 contributions plan. This commitment is maintained by the Association and the Association invites the Director-General to issue a conditional site compatibility certificate to provide a framework for these negotiations.

1.1. Strategic considerations and the Urban Capability of the Wilga Wilson Precinct

Without repeating the application submission it is clear that the strategic planning for the Sydney Metropolitan Area generally and the North-East Subregion supports the development of the Wilga Wilson precinct for housing and urban development.

The Metropolitan Plan 2036 identifies an increasing demand for housing in the North-East Subregion with the emphasis for delivery being within established areas.

The Wilga Wilson Precinct is rural residential land located within an existing urban context physically capable of development for seniors housing which would contribute in part to meeting the dwelling target for the North East subregion of 44,000 dwellings by 2036. The proposed development is considered to be consistent with the Metropolitan Plan's Strategic Direction for new housing.

The aim of the Metropolitan Plan's *Strategic Direction for Housing* is to locate 70% of all new housing within walking distance of centres of all sizes. Location of housing in close proximity to public transport is consistent with Action B1.3 of the Strategy and the objective to reduce car dependence and make walking, cycling and public transport more viable to residents. This approach is supported by the Centre for International Economics, whose analysis indicated that *...the most beneficial urban form for Sydney would be achieved by locating at least 70 per*

cent of new housing within the existing urban area and that ...greenfield development will continue to play a significant role in meeting Sydney's long-term housing needs, providing up to 230,000 homes in well-planned new precincts.

This objective will be achieved by the development of the site for seniors housing as proposed. The proposal is also consistent with Action H1.4 of the strategy to ensure the special needs of particular groups are considered in plan making and planning decision-making through the provision of an appropriate housing solution for seniors and people with a disability.

The Wilga Wilson proposal provides for a mix of housing types, and is located adjacent to an identified existing urban area. The site is accessible to public transport with the services proposed to be extended to and then through the site.

The proposed development is consistent with and will not prejudice the release of broader Ingleside area. It is important to remember that the NSW Government first earmarked Ingleside for urban development in 1988 and identified its future urban potential as early as 1966. The Wilga Wilson seniors living proposal will deliver the first stage of that vision for urban development.

The physical constraints of the land are relatively minor and were mapped as part of the application for the site compatibility certificate. Features such as minor creek lines and riparian corridors have been viewed as key features of the site and integrated by Cox Richardson into the urban design concept rather than being considered constraints to development.

1.2. Community Support

At the suggestion of Mr Rob Stokes MP the Wilga Wilson Residents Association canvassed support in the local community for a seniors living development on the Wilga Wilson site.

On 13 March 2012 Mr Stokes tabled to Parliament, in accordance with Standing Order 120, a petition to the attention of the Speaker and Members of the Legislative Assembly with a total of 949 signatures of persons primarily from the Pittwater LGA and then broader metropolitan area supporting the development of the Wilga Wilson Precinct for a Seniors Living development.

A copy of the registration of the petition is found in **Appendix A**.

1.3. Site connectivity with Elanora Heights

As demonstrated in the original submission the site is located at the southern edge of the broader Ingleside Release Area and the South Ingleside Precinct.

The Elanora Heights locality in which the site is located has a mixed character as can be seen from **Figure 1** below. The locality includes the Elanora Heights Country Club to the south, the Monash Golf Club and large lot residential subdivisions of Dendrobium Crescent and Caledonia Close to the west and south, and the residential subdivisions, seniors living developments and town centre of Elanora Heights to the east. The site is the link between these urban elements.

The urban design of the seniors living development includes transport and pedestrian and ecological linkages to



the Elanora Heights locality and integration with the green web being developed by Pittwater Council.

Figure 1: The Site and the Locality

The site is located close to the centres of Warriewood Square, Mona Vale and Narrabeen, is in an area with a reasonable level of public transport, and is conveniently located in close proximity to the northern beaches, Pittwater and its associated water activities, Garigal National Park and Narrabeen Lagoon, a large number of local parks and places of worship, Warriewood and Narrabeen RSL Clubs and the many Golf Courses and other open space opportunities available in the Pittwater and Warringah local government areas (LGA).

The 182 bus route provides access to Elanora Heights Shops, Centro Warriewood, Narrabeen Shops and Mona Vale Town Centre, without requiring a change of bus. Furthermore, there are many other services located in the Pittwater LGA, which are either accessible via the 182, 196 and 197 bus route or by changing to buses running other routes.

2. Development within the Ingleside Release Area – Responding to Council's Concerns

2.1. Staging of Development

In any staging plan for the entire Ingleside release area, the Wilga Wilson precinct is the likely Stage 1 area due to its connectivity with and proximity to the Elanora Heights locality. It is a logical extension of the existing urban area with water and waste water servicing available directly from the south. It is also the land area of least impact on Mona Vale Road with a proportion of traffic generated gravitating towards the south along Powderworks Road and Elanora Road.

The preference for the release of land in the South Ingleside area has been acknowledged in the various scoping papers and discussions between Pittwater Council and the Department of Planning and Infrastructure which have recognised that the land to the south of Mona Vale Road has less environmental and physical constraints and is more readily serviced.

A feature of the broader Ingleside Release Area is the fragmentation of land ownership. Of significance to the application for the site compatibility certificate and future timing of the development of the site is the organisation of Wilga Wilson land owners to create a consolidated land area which has not been over capitalised in recent years and is available for development.

Development of the site should not be viewed as an impediment to the stage release of the Ingleside release area rather it should be viewed as an opportunity, a catalyst to support the broader Ingleside release from now until 2036.

The grant of a site compatibility certificate will not rezone the Wilga Wilson precinct and will not affect the planning for the urban release of the broader Ingleside release area; it will simply permit the lodgement of a development application for seniors living development. The Wilga Wilson precinct is at the southern edge of the Ingleside Investigation area, it is a contained parcel of land which through current cooperation of land owners is a consolidated site available for development. The precinct's perimeter is set by existing road layout. Development of this land in the short term will not affect or impact the long term investigation and release of land in the Ingleside Investigation area.

2.2. Pittwater Council Submission of February 2012

The Council considered a report at its meeting of 20 February 2012 and resolved to support the Council officers submission dated 9 December 2011 concerning the application for the site compatibility certificate. The submission raised key five issues in relation to the application. These are identified and responded to below:

- 1. All lands in the Ingleside Investigation Area must be considered holistically, with broad scale planning being carried out across the entire area rather than adhoc "piece meal" site-specific planning and decision making, committed to an orderly planning process of a land release area and delivery of services and infrastructure is timed with new development.*

Comment: The preliminary development scenarios and scoping studies have broadly identified the opportunities and constraints to development within the Ingleside Investigation Area. Key issues being fragmentation of land, over capitalisation, access to services, traffic considerations on local and regional

roads, and physical and environmental constraints. The matters have been addressed in the application for the site compatibility certificate and it has been demonstrated that the Wilga Wilson Precinct is not burdened by the constraints experienced across the broader investigation area. The Wilga Wilson Precinct is self-contained and can be developed in isolation without delaying ongoing investigations of the broader investigation area and would be the logical first stage of development in the area. The urban design concept integrates the site with the surrounding Elanora Heights urban area and will be permeable allowing connectivity to and with any future development to the north.

2. A broad-scale approach towards infrastructure funding and delivery will assist in an overall funding regime of local and state infrastructure and services in the Ingleside Investigation Area that is equitable across Ingleside.

This will not occur if a Site Compatibility Certificate is issued for this precinct.

Comment: A site compatibility certificate does not grant development rights, it enables the submission of a development application for development under SEPP Seniors. The Wilga Wilson Residents Association accepts and acknowledges the need to have an equitable funding regime in place for the provision of local and state infrastructure and the Association is willing to pay it proportionate share. The mechanism ensuring this is achieved is discussed in section 3 below.

3. Council's Principal Engineer – Strategy, Investigation & Design has reviewed the accompanying Traffic and Transport Report prepared by Halcrow, and advised that the report does not adequately demonstrate how this is a compatible land use for the locality with regard to traffic and transport for the following reasons:

- Uses traffic generation rates that are too low, given the physical isolation of the site in respect to Pittwater and other parts of Sydney, the absence of effective public transport services to the site, the lack of constructed paths and/or accessible nature strips and the likely affluence of future residents of the development that will promote individual mobility using cars.*

Comment: An accessibility study prepared by Judith Stubbs and Associates was submitted with the application for the site compatibility certificate. This demonstrated that with the some minor upgrade works to existing paths within Powderworks Road that the Elanora Heights local centre was accessible to the site and that the extension of the bus service to and through the site would make the site accessible to the centres, services and facilities available within and beyond the Pittwater Local Government Area. In addition the opportunity exists for a mini bus service to be provided on site to residents.

There is no substance to the claim that the development of the site and its future occupants will promote individual mobility using cars. Consequently, the site is not considered to be isolated and the traffic generation rates used by Halcrow in modelling the site are considered robust and suitable for the nature of the proposed seniors housing development.

- Does not demonstrate how the additional increased traffic in Powderworks Road above the environmental level of 10,000 vpd will be catered for and adverse impacts mitigated.*

Comment: This is documented in the report and will be the subject of further modelling at development application stage.

- *Does not address the future upgrading of Powderworks Road related to the future Ingleside Land Release to avoid possible reconstruction of works provided now for the proposed development should Ingleside Land Release proceed.*

Comment: This is a matter of detailed design and an issue of urban design as well as traffic planning. If the Council and Roads and Maritime Services consider it prudent to reserve part of the site frontage to facilitate future widening of Powderworks Road then this can be incorporated as part of the detailed site planning which will be undertaken at DA stage. The proposed works within Powderworks Road to provide a bus set down and turning area at the eastern edge of the site is an interim facility designed to bring bus access to the site in the early development phases of the site with the bus extending into and through the site as its development progresses.

- *Does not consider the impact of the traffic generated by the development on the intersections of Powderworks Road/Garden Street and Garden Street/Pittwater Road.*

Comment: These matters were considered as part of the assessment. No works were considered necessary at these intersections. The development application will be accompanied by a further traffic impact assessment.

- *Does not provide evidence that an adequate public transport service would be available to the site.*

Comment: The application for the site compatibility certificate documented discussions with NSW Transport regarding the opportunities to extend the local bus services to and through the Wilga Wilson precinct. The preliminary designs for the works within Powderworks Road were developed in consultation with NSW Transport and the urban design and internal road configuration of the seniors living development have been prepared to accommodate bus travel through the site. Until a development proposal is presented by a development application the NSW Transport is unable to provide final commitment to service extension. It is noted that NSW Transport advised that a roundabout at Wilga Street or Wilson Street provides the best sight lines and so would be the safest option for extending the service and that a Roundabout at Wilga minimises the risk of any extension not being able to fit within timetabling constraints.

- *Does not show that roundabouts in Powderworks Road could be constructed as proposed to serve as bus turning devices.*

Comment: The preliminary design has been prepared in consultation with STA. The detailed design will be developed as part of the development application submission and any additional land take can be accommodated within the site frontage.

- *Does not consider the traffic impacts on Elanora Road which is the access road to Wakehurst Parkway from Powderworks Road.*

Comment: The Halcrow Report did not specifically model the traffic flows to Elanora Road. This matter can be addressed at development application stage. Any requirements for intersection upgrade works can be imposed by condition.

- *Does not adequately consider the impact on the traffic signals at Mona Vale Road and Powderworks Road.*

Comment: The Halcrow report modelled the impact of the development on the operation of the Mona Vale Road/Powderworks Road intersection. The modelling demonstrated that there was limited but adequate capacity to accommodate the traffic generated by the proposal.

- *Incorrectly indicates that vehicular access to the site from Powderworks Road will be allowed at locations other than the Wilga Street/Wilson Avenue intersections, when this will not be permitted. All access must be via an internal road system.*

Comment: The application for the site compatibility certificate and the Halcrow Report document the number of existing access points into the site from Powderworks Road, Wilga Street and Wilson Avenue. Importantly, the Halcrow report also identifies based on traffic planning principles the potential location of future site access from the three streets with many of the existing access points abandoned. The urban design layout limits the access points from Powderworks Road and details a functional and efficient internal road system. The final design will be the subject of detailed modelling at development application stage.

- *Does not demonstrate how safe pedestrian access could be provided to existing bus services in Mona Vale Road.*

Comment: The focus of the accessibility assessment was ensuring safe pedestrian links to the Elanora Heights centre and ensuring that an appropriate level of public transport was available to the site so providing linkages to services and facilities within and beyond the Pittwater LGA. These links were identified and considered appropriate subject to some minor upgrades. It was not necessary to consider or achieve pedestrian access to the bus service in Mona Vale Road.

Concluding comment: The Halcrow report as submitted demonstrated that:

- There is sufficient capacity within the surrounding road network with proposed intersection upgrades to accommodate the estimated additional traffic generation of the site as envisaged by the Concept Plan prepared by Cox Richardson.
- The Seniors Living development of the site as proposed in the Concept Plan would not trigger the need for upgrades to Mona Vale Road or the intersections along Powderworks Road (with the exception of the site accesses).
- The proposed site access intersection upgrades are the installation of roundabout treatments at Powderworks Road / Wilson Avenue and Powderworks Road / Wilga Street.
- Proposed site access intersection improvements will provide multiple benefits including:
 - Increase overall intersection capacity to accommodate non-development and development traffic.
 - Provide an improved speed controlled environment consistent with residential streets generally and Powderworks Road (south) particularly; and
 - Facilitate the extension of bus route No. 182 to the Wilson Avenue site.
- The site can be serviced by public transport and that public transport services would be supplemented with a village (development) operated shuttle bus service.

In summary it is considered that the proposed Concept Plan for the Wilson Avenue Site is compatible land use for the locality with regard to traffic and transport.

4. This development is not required to meet Council's 2031 housing target as reiterated in the Pittwater Local Planning Strategy – Planning for Pittwater towards 2031.

The 2031 housing target only applies to existing residential areas. This site, being in the Ingleside Investigation Area, has its own housing target allocation under the context of the Metropolitan Development Program.

Comment: The development of the site for seniors living will deliver housing for a key sector of the community which is acknowledged to be a growing sector particularly in the Pittwater LGA, this cannot be achieved by infill housing in existing residential areas on a small scale, piecemeal and adhoc basis. The stage delivery of seniors housing within the Wilga Wilson precinct will satisfy growing demand for seniors housing and free up existing housing stock for younger families. This enables older residents to continue to be part of their community and maintain connections within the Pittwater LGA and provides younger people the opportunity stay within their community.

5. Issuing a Site Compatibility Certificate for this site, is premature and has consequences for the future uptake of Ingleside as a release area particularly as the Site Compatibility Certificate is valid for 24 months from the date of issue.

Comment: Issuing a site compatibility certificate will not rezone the land nor will it provide the ability to commence development, rather it enables the lodgement of a development application for the development of the site for seniors living. The certificate is not a predetermination of that development application rather it is an acknowledgement that the site is capable of development for seniors living development. Any development application lodged will be the subject of a full merit assessment. As discussed below, the development of this site should be viewed as stage 1 of the release of Ingleside and as a catalyst for the release of the Ingleside Investigation Area.

The Ingleside Investigation Area has through various studies been identified as having three distinct localities, North Ingleside, South Ingleside and the Wirreanda Road/Tumble Down Dick locality. Each of the localities have their own characteristics as well as opportunities and constraints to development. South Ingleside being acknowledged as the locality with the least constraints.

The grant of a site compatibility certificate does not and cannot create a precedent for other lands to be excised from the land release planning investigation, this is not a rezoning, and the circumstances under which the Wilga Wilson Precinct is able to seek a site compatibility certificate is unique and not available to other land within the Ingleside Investigation Area.

2.3. Wilga Wilson Precinct - A Catalyst for future development

The Council argues that the release of a site compatibility certificate and the development of the site will undermine the progress towards the whole of government approach towards the Ingleside Investigation Area.

Following telephone conferences with the Director-General and officers of the Department the Wilga Wilson Residents Association sought additional advice from Cox Richardson Architects and Urban Designers in relation to the opportunities the development would deliver and its relationship with the future release and development of the broader Ingleside Release Area.

Set out below is an extract of advice received from Mr. Bob Meyer, Director of Cox Richardson

Wilga Wilson has been included in the Ingleside release area as defined by the MDP. The latest MDP suggests a dwelling potential of 3,900 lots and that 1,600 of these be zoned and serviced within 5 years of 2008 (2013), with the remaining 1,300 lots to be zoned and serviced in the following 5 years (2018) (see p155 MDP 2008 / 09 – 2017 / 18).

Ingleside and surrounding areas were identified in the 1968 Sydney Region Outline Plan, termed north Warringah, as possible urban – for investigation. The 1988 Metropolitan Strategy again suggested north Warringah as an option for 20,000 lots beyond 2011. The 1995 and 1998 Metropolitan Strategies also included North Warringah whilst the 2007 North East Subregional Strategy proposed Ingleside to be on the MDP.

Council is reluctant to release Wilga Wilson as a separate entity as it has been included as part of the Ingleside release area and it fears that in the interests of “orderly” planning no area should be excised from the Ingleside release area boundary.

The key concern revolves around the possibility of Wilga Wilson’s development inhibiting the future planning of Ingleside and that Wilga Wilson would not contribute the full section of all costs as the final figures would not have been calculated until a plan for the whole release area was finalised.

There are several examples of developments, some the size of whole suburbs, which form part of a major growth centre and have been successfully developed ahead of detailed plans being finalised for the overall urban area.

For example, Second Ponds Creek as part of the North West Growth Centre is being successfully integrated with plans for adjacent future developments, including Alex Avenue which was planned after Second Ponds. The earlier Second Ponds plan made provision for future connections to Alex Avenue. Second Ponds, which was in one ownership is now stimulating the development of more fragmented lands to the west. The large un-fragmented site was able to generate sufficient sales to pay for infrastructure which is now to the benefit to the more fragmented lands adjoining. We note that even with the single ownership it has taken some 8 years before the adjoining precinct is moving towards development.

Similarly, Ambervale and Harrington Park have progressed ahead of overall plans being finalised for the Macarthur Growth Centre.

In the North West Sector, much of Rouse Hill was developed ahead of the Growth Centre and have in every case, been successfully integrated. It can be claimed that these early developments were a major stimulus to the remainder of the growth centres.

It is suggested that Wilga Wilson, which is at the extreme southern end of Ingleside, is not strictly part of Ingleside, rather an integral part of Elanora Heights, forming a bridge between the two developed precincts of Elanora Heights to the south – west and east (see Figure 1 above for this physical nexus). Wilga Wilson with its proposal to integrate a number of ownerships will provide the stimulus for future development within South Ingleside north of Powderworks Road.

The onus needs to be on the developer of Wilga – Wilson to prepare a plan which clearly indicates how the movement patterns and open space network can be integrated with adjoining sites when they in turn are developed to a yet to be formulated plan. This has been the situation in the examples given above.

It would be difficult to find a more suitable site for Seniors Living than Wilga – Wilson, bounded to the south and west by golf courses and recreation facilities with Mona Vale Hospital 4kms away, Warriewood Square Shopping Centre within an easy bus ride and a nearby local shopping centre which will be within walking distance for some residents.

Pittwater's population is aging at a faster rate than the rest of Sydney and it is in the community's interest to allow seniors to relocate within their local area to be near friends and families and importantly shift voluntarily from their family house to allow a younger cohort to move in and provide Pittwater with a younger population.

As discussed above, contrary to the concerns raised by the Council that the development of the Wilga Wilson Precinct will prejudice the broader Ingleside Release Area, the development of the precinct will stimulate and indeed set the framework for the future release of the broader Ingleside or South Ingleside area.

2.4. What further studies are required?

In the preparation of the development application further and detailed site specific studies will be undertaken to assist in the detailed design of the seniors living development. This will include further traffic assessment and modelling. These studies will be funded by the applicant and the results will be available to the Council and Department of Planning and Infrastructure as background to the assessment of the broader Ingleside Investigation Area.

As acknowledged in the various scoping studies undertaken over the past 30 or so years the land capability across the Ingleside Investigation Area is variable. The key to the success of the broader release of Ingleside is to confirm the physical capability of the land, the density of development that can be achieved, the opportunities to address land fragmentation to achieve development, servicing and infrastructure requirements (which will depend on continuity and density of development proposed), and the level of take up of the land to be released.

This work is yet to be undertaken for the broader investigation area and is not necessary for the Wilga Wilson Precinct. The carrying out of these further studies should not delay or preclude the development of the Wilga Wilson Precinct in the short term.

3. Development Contributions

The Wilga Wilson Residents Association accepts and acknowledges the need to have an equitable funding regime in place for the provision of local and state infrastructure and the Association is willing to pay its proportionate share.

3.1. Opportunities to Levy S.94 Contributions

The development of the Wilga Wilson Precinct presents Pittwater Council an opportunity to prepare a site specific section 94 contributions plan or to establish a fixed development consent levy under section 94A of the Environmental Planning and Assessment Act 1979.

The application for the site compatibility certificate and the urban design concept prepared by Cox Richardson for the site establishes the basis for the preparation of the section 94 contributions plan and can be prepared in an open and transparent fashion incorporating acknowledgement of any works in kind to be delivered by the development.

Alternative to this is the opportunity to develop a contributions plan under section 94A authorising the imposition of a condition of consent requiring the payment of a levy of a percentage of the cost of the development. The benefit of implementing a section 94A contribution would be the ability of for Council to impose the levy and to condition the application or expenditure without the need to demonstrate a connection between the development and the object/s on which the expenditure is made. This would enable the Council to utilise the funds levied towards studies to investigate the broader Ingleside Investigation Area or towards other facilities identified by the Council as being required within the Ingleside locality.

3.2. Voluntary Planning Agreement

An alternative to the adoption of a section 94 or 94A contributions plan is the negotiation of the terms of a Voluntary Planning Agreement (VPA). A VPA can exclude the operation of section 94 and 94A contributions plans and will set out the obligations of the parties to undertake work, pay monetary contributions and to deliver service, infrastructure and facilities. The VPA can be used to address the delivery of or payment of contributions towards local or state infrastructure, in this regard it may be suitable subject to detailed discussions with Pittwater Council and the Department of Planning and Infrastructure to enter into a VPA with one or both parties.

The VPA could include a proposal to provide funding towards capability assessments of the broader Ingleside Investigation Area, the establishment of regional open space networks, the widening of Powderworks Road or other works that would deliver benefit not only to the Wilga Wilson Precinct but also the broader Ingleside Investigation Area.

The matters the subject of the draft VPA(s) would progressively evolve with the detailed design of the proposal and through consultation with the Department of Planning and Infrastructure and Pittwater Council.

3.3. Conditional Site Compatibility Certificate

The Association is prepared to accept a condition on the site compatibility certificate that precludes the lodgement of a development application until either

- a) draft Section 94 Contributions Plan or draft Section 94A Plan for fixed development consent levies has been prepared and submitted to Council for consideration, or
- b) the terms of a draft voluntary planning agreement (VPA) have been agreed between an applicant and the Council (and Department of Planning and Infrastructure as appropriate), or
- c) in the opinion of the Director-General, where neither (a) or (b) have been achieved in a period of 12 months from the grant of the site compatibility certificate, the Wilga Wilson Residents Association or an applicant for development have made their best endeavours to assist Council in the preparation of a section 94 contributions plan, or draft Section 94A Plan for fixed development consent levies, or to negotiate the terms of a draft VPA without success, that the intent of the condition of the site compatibility certificate has been satisfied and a development application can be lodged.

4. Conclusion

The Wilga Wilson Precinct presents a unique opportunity to deliver more than up to 880 dwellings apartments and assisted living accommodation beds for seniors and people with a disability and deliver infrastructure and services for the residents and broader community in the short to medium term. The land owners, who in the majority are long term land owners, are working collegiately to achieve this objective. They have consciously not over-capitalised the land as this would have prevented amalgamation of the land and the ability to develop the precinct holistically. If not realised this opportunity will be soon lost.

The application for a site compatibility certificate demonstrated that the redevelopment of the site for seniors living development is an appropriate and achievable development and that:

- The proposed development is consistent with the natural environment as the vision for the site ensures protection of the identified areas of environmental significance of the site, thereby allowing redevelopment of the site with minimal impact on the flora and fauna. Furthermore, no clearing of threatened species or endangered ecological communities species would be required.
- The vision for the seniors living redevelopment will comprise seniors living which will be compatible with the existing and approved residential uses of land in the vicinity of the proposed development.
- The site is located within the identified Ingleside Investigation Area, and the proposed redevelopment is likely to be consistent with the future use of the land and surrounding areas. Furthermore, the development will not prejudice Council from developing the balance of the land release, and will provide an impetus for the broader Ingleside land release.
- The site is considered suitable for the proposed redevelopment in relation to the capacity for the infrastructure that will be available to meet the demands of the seniors living development. Furthermore, the Wilga Wilson Residents Association will meet the appropriate financial requirements for infrastructure provision.
- The vision of the Wilga Wilson Residents Association is to create a high-quality master planned housing development. It will comprise a mix of housing types carefully integrated with, and respectful of, the existing landforms, the amenity of surrounding residents and important built elements.

It is considered that the proposed redevelopment will have a positive economic and social flow on for the Elanora Heights locality through the injection of an increased resident population in the precinct, stimulating the provision of additional facilities and services. Development of the Site will provide for the protection of environmental values and assets; water sensitive urban design; best practice water cycle management including storm-water detention and sewerage services; coordinated provision of infrastructure. Our investigations have shown that the Site is suitable for and provides a significant opportunity for residential development.

The concerns raised by Pittwater Council in relation to traffic and access matters can be addressed by additional technical investigations and modelling to be carried out at development application stage. Those issues raised by the Council regarding the loss of opportunity to impose equitable contributions against the development of the site can be addressed by the grant of a conditional site compatibility certificate which precludes the lodgement of a development application until actions have been taken for the preparation of either a contributions plan or VPA to ensure that in the development of the Wilga Wilson Precinct equitable and proportional contributions are made for the delivery of local and state infrastructure and services.

Appendices

Appendix A – Community Support Petition Submitted to Parliament

