



1 May 2012

Director-General
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Ms Juliet Grant

By e-mail: Sam.Haddad@planning.nsw.gov.au
Juliet.Grant@planning.nsw.gov.au

Dear Mr Haddad

**RE: APPLICATION FOR SITE COMPATIBILITY CERTIFICATE
WILGA WILSON PRECINCT ELANORA HEIGHTS**

Reference is made to the application for the site compatibility certificate and supplementary submission in support of the application, correspondence from the Department of Planning and Infrastructure (the Department) dated 23 April 2012 and the meeting with you and representatives of the Department and the Minister's office on 27 April 2012.

We write to you in response to your invitation to document the issues discussed at our meeting and to expand upon our response to the issues raised by Pittwater Council in relation to the application for the site compatibility certificate.

Summary of Discussion

The Wilga Wilson Residents Association is a collaborative group of land owners who bring together 18 separate land holdings having a combined area of 27 hectares. The land is a self-contained precinct bounded by four roads and a small seniors living development, see location sketch below. The owners are long term land owners with many having owned and lived on their properties for more than 40 years.

The Association, with the encouragement of officers of the Department, have engaged consultants to prepare and pursue the application for a site compatibility certificate. The certificate would enable the preparation and submission of a development application for the development of the site for seniors living development.

This course of action is being taken to realise the clear urban development potential of the precinct, a potential that was originally recognised in 1968 and more recently in 1991 with the nomination of the site and the Ingleside Investigation Area on the Metropolitan Development Program. The Wilga Wilson Precinct and the broader Ingleside Investigation Area have been the subject of numerous environmental assessments and scoping studies carried out by land owners, the Department and the Council to demonstrate the urban capability of the land, availability of

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Can I discuss this
with Juliet Grant
please. (Monday or Tuesday)
SH

infrastructure and services and the economics of development.

While the ability and capacity to develop the Wilga Wilson Precinct is acknowledged by Council and the Department considers that there is strategic merit in intensifying urban uses in the Wilga Wilson Precinct the urban development of the land has not been permitted to progress to date.

For many land owners the application for the site compatibility certificate is seen as the last opportunity to pursue the co-ordinated urban development of their land and the Wilga Wilson Precinct. The inability to secure a site compatibility certificate will result in individual land owners offering their land for sale on the open market while some families will take the opportunity to invest further in their properties. These decisions will not be taken lightly and are decisions that have been consciously delayed since 1993 pending the outcome of the ongoing studies and discussions between the Council and Department.

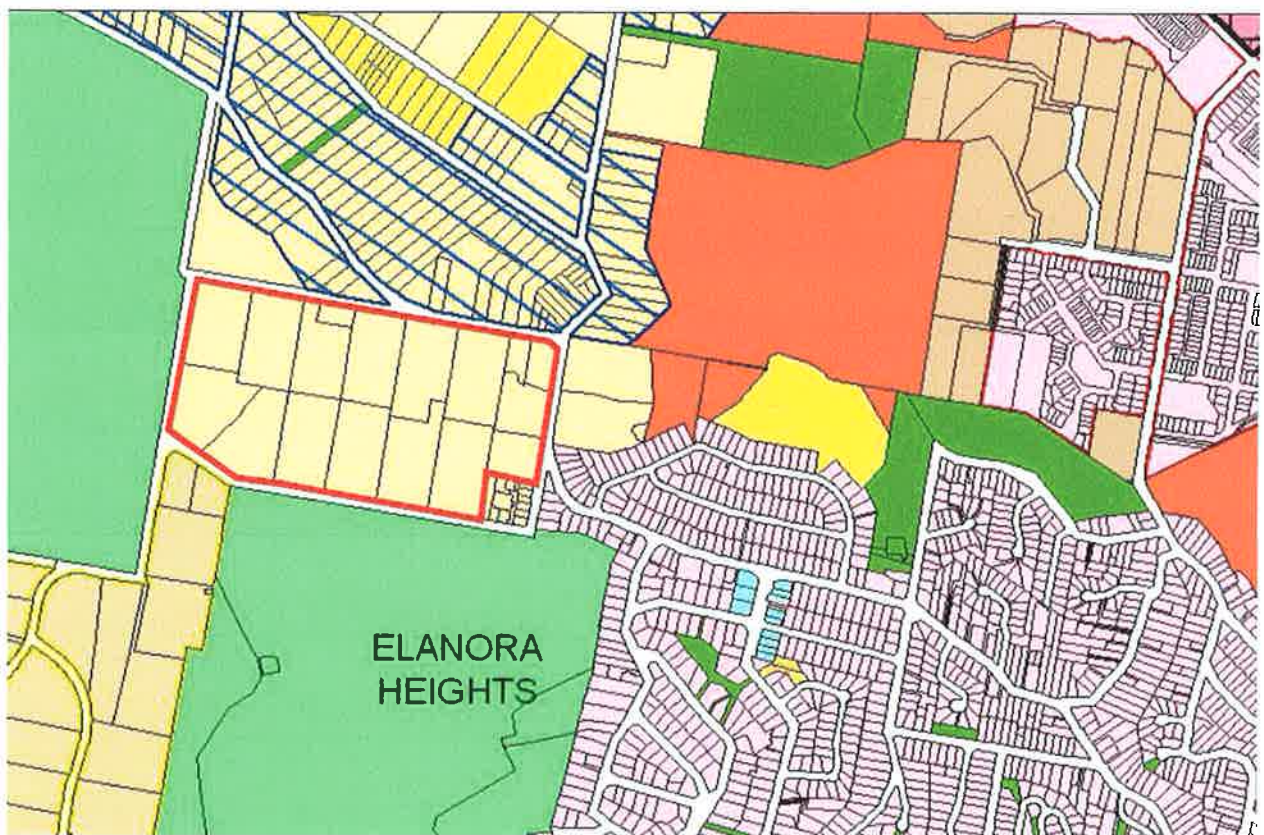


Figure 1: Site Location

The opportunity to achieve a co-ordinated development of the Wilga Wilson Precinct will be lost in both the short and long term. The precinct will once again become fragmented land.

Understanding of Council's position

Pittwater Council has objected to the grant of a site compatibility certificate. The primary position of the Council is that:

The subject property has been part of the Ingleside Investigation Area since 1991, when Ingleside was first identified land release area (sic) under the Department's Metropolitan Development Program.

No change has been made to the area's boundaries.

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

The Department's understanding is that the Council is concerned that the development of the Wilga Wilson Precinct will prejudice the future development of the remainder of the Ingleside Investigation Area. Specifically, there will be an opportunity cost with the loss of development potential if the Wilga Wilson Precinct is developed for seniors living and associated development and not an alternate form of residential development that may be identified through further strategic investigations and study.

The Wilga Wilson Development Concept

The development concept (shown below) prepared by Cox Richardson and presented with the application for the site compatibility certificate seeks to deliver:

A high-quality master planned seniors living development that will meet the increasing demand for seniors housing in Pittwater and the Northern Beaches area. It will comprise a mix of housing types carefully integrated with, and respectful of, the existing landforms, vegetation, drainage corridors and important built elements. Advantage will be taken of the owner's determination to coordinate their efforts so the land is developed efficiently. This will ensure the development is effectively integrated with its surrounds and the broader Pittwater community and appropriate services and infrastructure are provided in a timely manner.

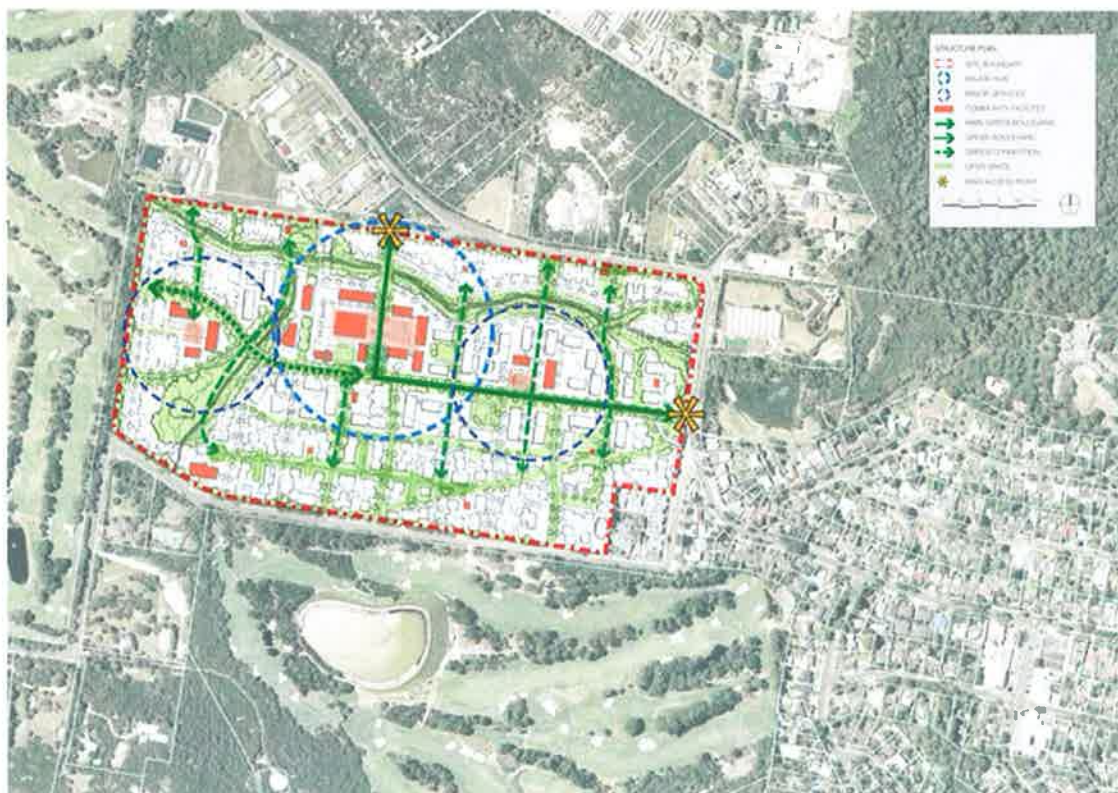


Figure 2: Wilga Wilson Development Concept

The design statement prepared for and accompanying the application for the site compatibility certificate included in Appendix A. The statement details the key principles of the development and provides a breakdown of the development statistics.

The concept presented has the capacity to deliver a seniors living development comprised of up to 874 dwellings being a mix of eco living free standing dwellings, Independent Living Units (detached and semi-detached), Apartments (universal), Aged Care (RACF) and other apartments. A proportion of the seniors living development will be built in association with the existing Church located within the Wilga Wilson Precinct.

In addition to the residential components the proposal includes the provision of riparian corridors and walking trails through the site, extension of public transport (bus service) to and through the site, local road works and intersection upgrades, on-site stormwater detention and a variety of site facilities to meet the needs of the future residents.

The development concept is based on the principles of walkable neighbourhoods and to this end includes community nodes, as shown above. Within these nodes there will be located site facilities including the Well Being Centre, Medical Centre, Village Centre, Function Centre, Commercial Services and Child Care facilities associated with the Church and an extension to the Church complex and facilities.

Investigations by Sydney Water, as reported to meetings with the Department and Council, are able to service South Ingleside, including the Wilga Wilson Precinct.

The seniors living development is located proximate to major arterial roads including Mona Vale and Pittwater Roads and the Wakehurst Parkway; retail, commercial and community facilities in centres located at Elanora Heights, Mona Vale, Warriewood, Narrabeen and Dee Why; recreation and leisure opportunities in these centres as well as the surrounding golf courses, nearby bowling clubs, the National Park network as well as the waterways and beach front areas. The site is well located and capable of supporting the proposed seniors living development.

The grant of a site compatibility certificate is not a consent or authorisation to carry out development. It is a certificate that acknowledges the capability and suitability of the land for a particular form of development, in this instances seniors living. The certificate would enable the lodgement of a development application with the relevant consent authority, subject to satisfaction of any conditions that may apply to the certificate.

The Wilga Wilson Resident's Association acknowledge the need to contribute a proportionate and equitable share to the delivery of infrastructure to the site. Notwithstanding the Council's earlier statements that section 94 contributions will not be sought from seniors living development within the LGA the Wilga Wilson's Residents Association are prepared to work with Council to develop a site specific section 94 or 94A contributions plan or to negotiate the terms of a Voluntary Planning Agreement. This would facilitate rather than prejudice the delivery of infrastructure and services to the site and the Ingleside Investigation Area.

Wilga Wilson Precinct in Context

The Wilga Wilson Precinct is located at the very southern edge of the Ingleside Investigation Area

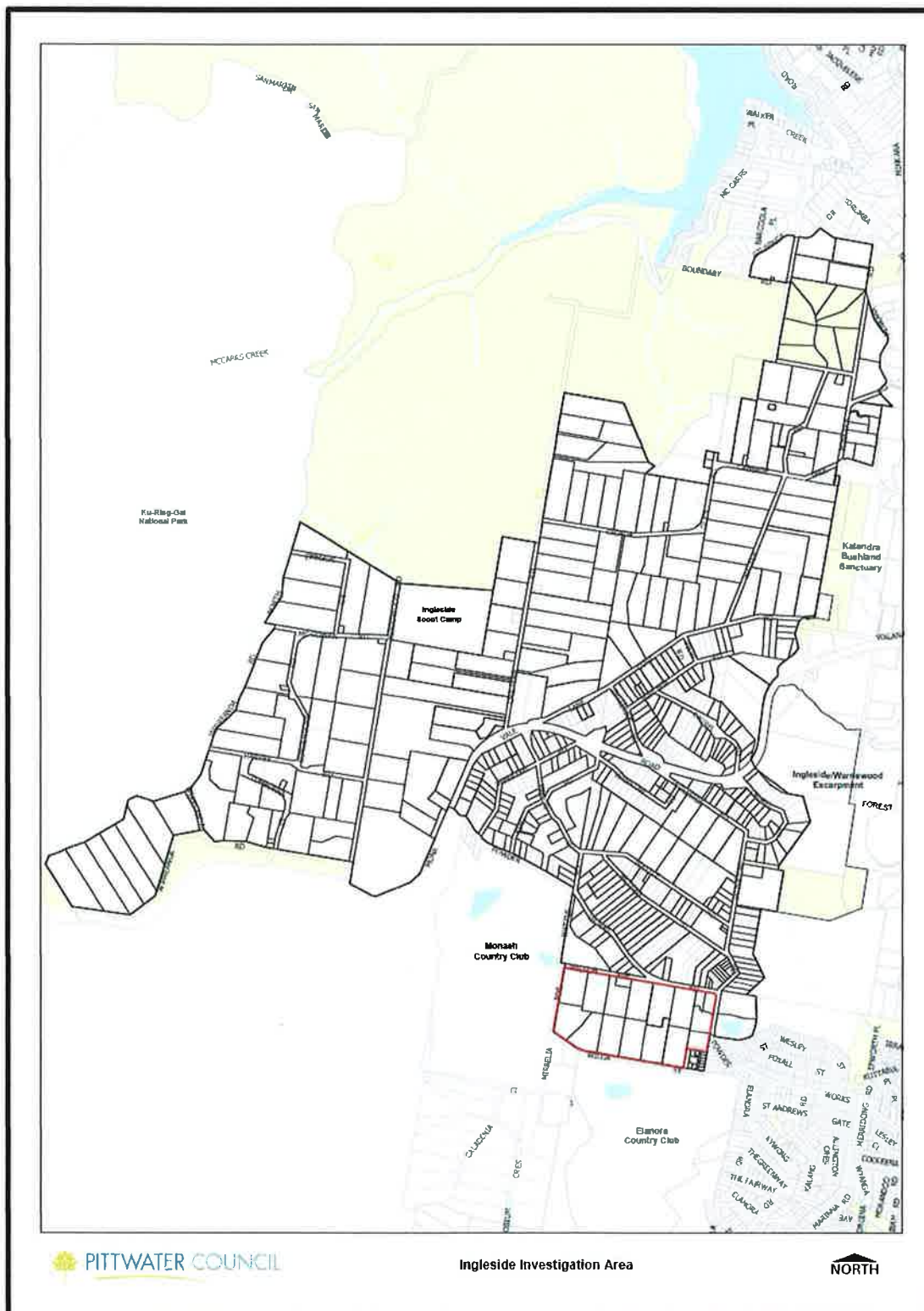


Figure 3: Ingleside Investigation Area

The above figure taken from the Council's 2009 Preliminary Scoping Report shows the relationship

of the site to the broader investigation area. It is interesting to note the fragmentation of the remainder of the land in the area nominated as "South Ingleside". The land between the site and Mona Vale Road is comprised of much smaller land holdings in a variety of land ownerships both public and private land, see the land ownership map attached as Appendix A.

An analysis of the scoping study identifies that:

- The Wilga Wilson Precinct with an area of 27 hectares makes up 4.25% of the overall Ingleside Investigation Area or 5.9% of the 451 hectares identified by the scoping study as having future development capability.
- 207 hectares of the land having development capability was nominated as suitable for "Eco Residential" or large lot residential. It was envisaged that development would occur with provision to be made for setbacks for wastewater management, biodiversity protection, asset protection zones etc. The nominated density being 1 dwelling per hectare.
- Urban residential development was nominated as suitable for the remaining 244 hectares of development capable land. The nominated density as agreed to by the Department being 15 dwellings per hectare.
- The predominant density of development nominated for the area south of Mona Vale Road including the Wilga Wilson Precinct was 15 dwellings per hectare. This would equate to approximately 405 dwellings on a standard residential subdivision for the Wilga Wilson Precinct.
- There are no environmental constraints to development within the Wilga Wilson Precinct.
- Further investigation is required to test the ability to deliver development on land that is overcapitalised, in fragmented ownership, and having environmental constraints. These limitations do not apply to the Wilga Wilson Precinct.
- The capacity of Mona Vale Road to support the complete development of the Ingleside Investigation area needs to be considered as well as the suitability and necessity to use Powderworks Road as a direct north-south route.

Factors Preventing Delivery of Housing in Sydney

Applied Economics was engaged by NSW Treasury to undertake a study of residential building activity in Sydney. The study examined seven case studies primarily in green field areas. The report was delivered in May 2010.

The report examined the drivers of residential building activity, residential development in Sydney generally, activity in the northwest and southwest growth centres and development outside of the growth centres including Warriewood Valley in the Pittwater LGA. Importantly the report identified the potential and actual causes of slow development.

The report found (page 70) that:

...there has been a low level of housing construction in NSW and Sydney since about 2000. Between 1999-2000 and 2008-09, the value of residential development activity in NSW fell from 33.7% of Australian activity down to 21.3%. Within Sydney, completions of detached and multi-unit dwellings fell from 32,358 dwellings in 1999-2000 to 14,795 dwellings in 2007-08.

While the slow growth of the state economy and population caused some of this slow down, the analysis in Chapter 2 indicates that supply side constraints on new housing activity are responsible for much of the slow down in residential activity.

The report concluded that (page 74-75):

The slow rate of development has many causes. In the words of a very experienced developer:

"there is no single cause. If there was only one issue, the problem would be solved by now".

From our analysis, the following are the main reasons for the slow rate of development.

- *Community preferences for low residential densities, their defence of their environment and opposition to development.*
- ***The defence of the status quo by many local councils, which produces restrictive plans and slow planning processes.***
- *A lack of commitment of some state agencies to development.*
- *A lack of public infrastructure, principally of transport but in some cases for water.*
- ***A reluctance of landowners to sell land to developers at prices that enable viable development. Thus englobo land values are unrealistically high.***
- *Related to the last point, landowners do not pay for the full opportunity cost for occupying rezoned land. While rates are payable on the additional rezoned value of the land, they are levied at the lower rural rate (where this exists) where the rural use is the current main use of the land instead of at the higher general rate. Moreover landowners can postpone paying rates on the uplift of value due to rezoning until the land is actually developed **and** any rate payments more than 5 years old are written off.*
- ***Fractured land ownership.***
- *Several of these factors contribute to high transaction costs for developers, increase the cost of development and make Sydney a relatively unattractive place for development capital compared with other major cities despite the high market price of housing.*

There is a lack of land supply for housing in areas where most people want to live.
This is a natural constraint. On the other hand, there is, or will be shortly, a fair supply of zoned land for housing in areas where house prices are low and where there is less demand for housing.

Conclusion

Landowners within the Ingleside Investigation Area including the Wilga Wilson precinct have been waiting since 1991 for definitive action to be taken in the determination of the overall urban capability of the investigation area.

This does not mean that no action has occurred in the intervening period, rather the land owners; the Council and the State Government including the Department and other agencies have prepared or engaged consultants to undertake land capability assessments, detailed site investigations, ecological assessments, traffic studies, bushfire threat analysis, scoping studies, infrastructure assessments and high level economic analysis.

The economic analysis and risk assessments had common findings as the Applied Economics

Report, namely that overcapitalisation of land and fragmented land ownership were key factors delaying the delivery of housing in Sydney.

The numerous studies undertaken collectively demonstrate that there is 244 hectares of land within the Ingleside Investigation Area, including the Wilga Wilson Precinct that is capable of urban development at a density in the order of 15 dwellings per hectare. Other land within the investigation area has been assessed as environmentally constrained or capable of a lesser dense form of residential development.

Notwithstanding the demonstrated capability of the land the Council is calling for the preparation of more studies and strategic consideration of development options of the land to identify future options to avoid ad-hoc planning decisions. This approach is consistent with the statement by Applied Economics above that a key factor in the slowing down the delivery of development is the defence of the status quo by many local councils which produces restrictive plans and slow planning processes.

From the meeting with you it appears that the justification for further studies stems from the concern that there would be an opportunity cost through the loss of development potential within the Wilga Wilson Precinct if it is developed for seniors living and a lost opportunity for the Council to levy contributions against the development for the delivery of infrastructure and services.

These concerns are simply addressed. There will be no opportunity cost, no loss of development potential. The Cox Richardson concept demonstrates that there is the potential to deliver up to 847 seniors living units in a variety of housing forms within the Wilga Wilson precinct. This development can be accommodated together with the associated community services and facilities at a gross FSR across the site of 0.39:1. The concept involves a development presenting a built form consistent and compatible with the surrounding Elanora Heights residential locality. The concept delivers a residential density equivalent to or higher than a density of 15 dwellings per hectare.

The Wilga Wilson Residents Association will accept a conditional site compatibility certificate which provides for a mechanism for the negotiation of terms of a voluntary planning agreement or the preparation of a contributions plan under section 94 or 94A of the Environmental Planning and Assessment Act 1979 as detailed in the supplementary submission. Should the Council wish to explore the potential to nominate Powderworks Road as a north-south traffic route the creation of a suitable corridor which may rely on some of the land within the Precinct adjacent to the current road can be dealt with at detailed design phase of the development application for seniors living.

The landowners welcome the opportunity to work with Council to achieve the vision for the development of the Wilga Wilson Precinct, land identified by Council as being suitable for urban development.

Further studies and investigations mean further delays in the development of the Wilga Wilson Precinct and further delays in the realisation of the potential of the land which has passed its economic life for agricultural purposes.

Should a site compatibility certificate not be issued the current collegiate Resident Land Owners Association will disband, individual allotments of land will be offered for sale on the open market, works will be undertaken on individual allotments to deliver educational establishments, large houses on large allotments (2 hectares) with associated improvements such as tennis courts, equestrian facilities, stables and the like.

The risk to the development potential of the Ingleside Investigation Area of the Wilga Wilson Precinct not being granted a site compatibility certificate and progressing down an orderly development path is that a catalyst for the development of the broader investigation area will be lost and the opportunity to deliver urban development within the Wilga Wilson Precinct will also be

lost. The factors that are inherent in the slowing down of residential development, including the fragmentation of land holdings and over capitalisation of land, will occur if the requested site compatibility certificate is not issued. Non action will preclude the realisation of the capability of the land and the delivery of residential accommodation in an area that is recognised as having a high and increasing proportion of its population as "seniors".

Future Actions

The Wilga Wilson Residents Association requests the Department to reconsider its refusal to grant a site compatibility certificate on the following grounds:

- As demonstrated above and within the earlier submissions the Council's concerns can be fully addressed at future development application stage. The owners have undertaken to cooperate with Council in relation to their concerns;
- The application for the site compatibility certificate was lodged following consultation with officers of the Department and has address all technical and policy issues raised by the Council and the Department;
- The Wilga Wilson Precinct is the most developable land within the Ingleside Investigation Area and will provide a catalyst for bringing the rest of the land capable of development on line;
- The site adjoins the Elanora Heights locality and the proposed development is highly compatible with that neighborhood;
- The application for a site compatibility certificate was lodged under the specific provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and it should be determined on that basis. Other considerations and matters dealt with at development application stage are irrelevant at the site compatibility certificate stage.
- As our submissions demonstrate this proposal is sound in terms of planning policies and principles.

We await your response and confirm our willingness to meet with the Department to progress the application for the site compatibility certificate.

Yours sincerely
APP CORPORATION PTY LIMITED



CLARE BROWN
NSW Principal Planner

APPENDIX A – WILGA WILSON DESIGN STATEMENT



WILGA WILSON PRECINCT INGLESIDE

DESIGN STATEMENT

November 2011

1. Design Statement

The Vision of the Wilga Wilson Residents Association is to create

A high-quality master planned seniors living development that will meet the increasing demand for seniors housing in Pittwater and the Northern Beaches area. It will comprise a mix of housing types carefully integrated with, and respectful of, the existing landforms, vegetation, drainage corridors and important built elements. Advantage will be taken of the owners determination to coordinate their efforts so the land is developed efficiently. This will ensure the development is effectively integrated with its surrounds and the broader Pittwater community and appropriate services and infrastructure are provided in a timely manner.

The Wilga Wilson Precinct at Elanora Heights is an important site comprising 27 hectares, which integrates a number of different ownerships into one cohesive precinct. The site is located within the North East Sub Region of Sydney, wholly within the LGA of Pittwater.

The proposed Structure Plan from Cox Richardson developed in response to the vision of the Wilga Wilson Residents Association and is shown in **Figure 1**.

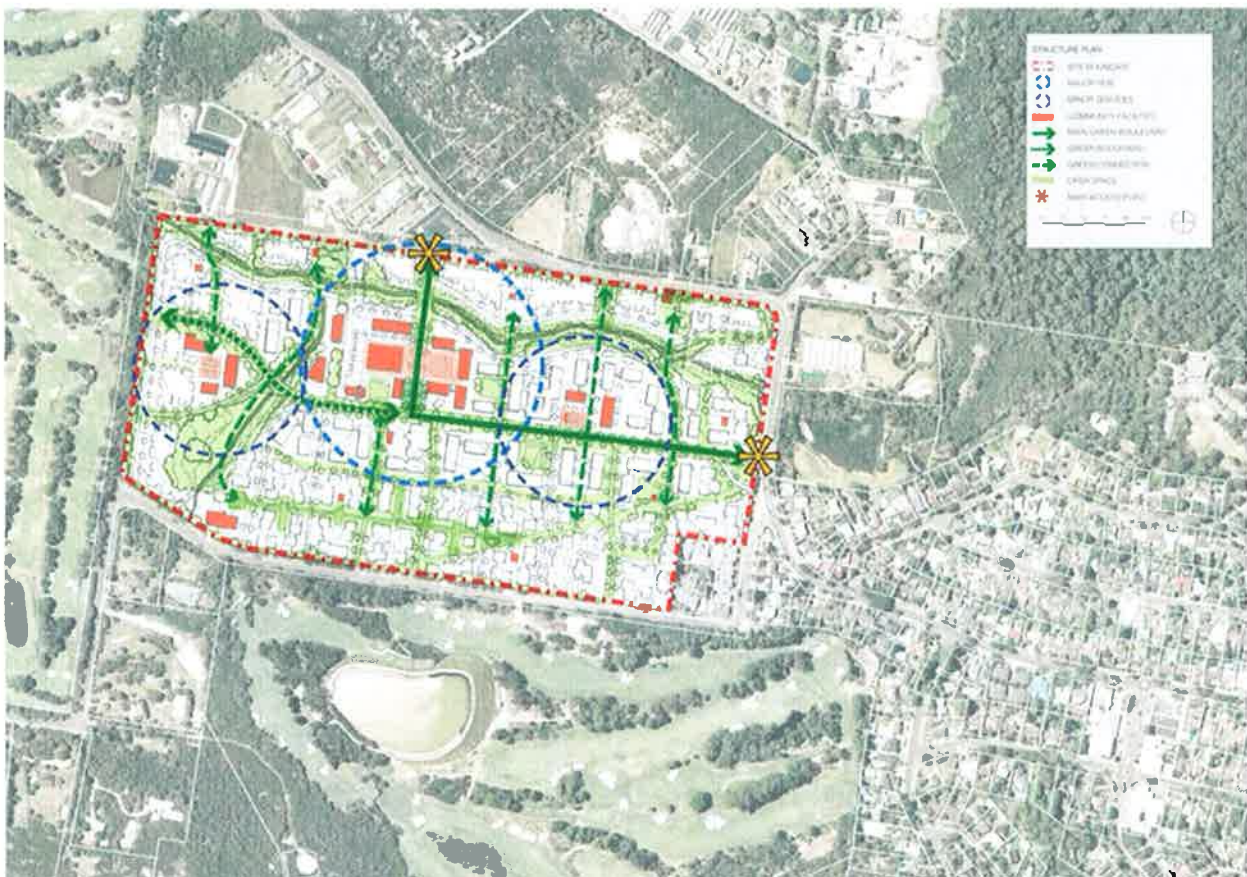


Figure 1: Structure Plan

Key Principles

Table 1 outlines the principles that have been used by Cox Richardson to shape the design of the site:

Key Principles	
Principle	Comment
Connectivity	<ul style="list-style-type: none"> •A spine road through the centre of the site serves as a logical public transport route which provides all residents with access within a 400m walk. •The spine road links directly back to the established village of Elanora Heights and allows internal site access to key destinations such as the local centre, the heritage listed church and proposed community facilities.
Environmental	<ul style="list-style-type: none"> •The proposal is a direct response to the environmental features of the site, by preserving a large proportion of existing vegetation, enhancing the existing drainage corridors and using the topography as a design element. •The central element is a large, linear green corridor which extends east to west through the site and incorporates the riparian areas and communal open space providing for a direct green link between the regional open spaces of Monash Country Club and Ingleside Park.
Built Form	<ul style="list-style-type: none"> •The periphery of the site has been treated as transitional land where the scale and density of the built form is a direct response to the surrounding development.
Social	<ul style="list-style-type: none"> •A variety of community facilities have been proposed for the site, located on nodes of open space which encourage a walkable community, therefore minimising traffic generation, and improving the community facilities within the wider village of Elanora Heights.
Character	<p>The concept clearly recognises the important tributary that runs through the northern section of the site and a further drainage route that terminates in a small area of Sydney Sandstone Gully Forest and a freshwater wetland. These elements are major structuring components of the concept and ensure it responds to the local landscape and provide connectivity between the green spaces of the adjacent golf courses and northern areas of Ingleside. A hierarchy of internal roads and entry points, and their relationship to existing structures and proposed community facilities, will further enhance the site's character.</p>
Continuity and enclosure	<p>Cox Richardson Concept establishes a clear intent to define street frontages and the edges of the tributary and forest areas. There is also a clear design objective to create more formal major and minor open spaces associated with the major and</p>

	minor services and facilities hubs on the site. In addition, the intent to have a hierarchy of built form will further reinforce a clear hierarchy of public and private spaces.
Diversity	The Cox Richardson concept clearly communicates intent to have a large fringe of low density housing development around the site's edges, a central precinct of higher-density independent living units and a core containing essential services and possibly a slightly higher density of Independent and supported living units. In line with normal practice, the low-density fringe will more than likely contain a variety of one, two and three bedroom dwellings. As a result, a wide variety of household types and abilities can age in place and be accommodated within a secure and attractive natural and man-made environment.

Yields and Areas

Tables 2 & 3 provide an analysis of the preliminary development yield proposed based on Cox Richardson Structure Plan.

Residential	Building Height	Yield Description	Per unit GFA	Total GFA
Eco Living	1 & 2 level	97 Detached dwellings on av. 350 sq m lots.	160 sq m	15 520
ILUs detached & semi (universal)	1 level	110 30% 33 x 2 bedroom. 70% 77 x 3 bedroom.	120 sq m 140 sq m	3 960 10 780
Apartments (universal)	3 level	494 20% 40 x 1 bedroom. 70 sq m nla. 60% 120 x 2 bedroom. 100 sq m nla. 20% 40 x 3 bedroom. 120 sq m nla.	90 sq m 120 sq m 140 sq m	8 910 35 640 13 860
Aged Care (RACF)	3 level	153 6 x 17 bed wings (assumes 40 sq m per bed inc. common/nurse/utility areas).		6 120
Apartments over retail	2 level	20 2 bed	120 sq m	2 400
Totals		874		97 190

Table 2: Preliminary Residential Yield and Area

Non-Residential	Building Height	Description	Total GFA
Wellbeing Centre	2 level	Physiotherapy; beauty therapy; day respite; small gym & indoor pool.	1 200
Medical Centre	1 level	Day surgery; resident doctors; respite unit; security and	500



Figure 2: Cross Section

The periphery of the site has been treated as transitional land where the scale and density of the built form reflects and integrates with the adjoining development. The Seniors Living Development concept developed for the site is based on sound design principles that include creating new linkages to existing destinations as well as maximising access to, across and through the site.

The vision of the Wilga Wilson Residents Association is to create a high-quality master planned Seniors Living 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

APPENDIX B- LAND OWNERSHIP WITHIN THE INGLESIDE INVESTIGATION AREA

INGLESIDE / WARRIEWOOD LAND OWNERSHIP MAP

