

File No: 11/22583

**Report to the Director General on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a Disability)
2004**

SITE: The subject site is known as the Wilga-Wilson Precinct and is located in the Pittwater LGA. It is bounded by Wilson Avenue, Powder Works Road, Mirbelia Parade and Wilga Street (aerial photo **Tag F**).

The site has an area of 28ha and includes 18 allotments in separate ownership.

APPLICANT: The Wilga-Wilson Residents Association

PROPOSAL: Cox Richardson has prepared a concept plan for the development of the site for seniors housing. The key elements of the concept plan (**Tag G**) include low scale dwellings around the perimeter of the site. The central area of the site is proposed to contain 2-3 storey independent living units, high care dwellings and a nursing home. The site compatibility certificate application suggests that 800-850 dwellings could be accommodated on the site.

LGA: Pittwater

PERMISSIBILITY STATEMENT

The subject site is zoned 1(a) Non-Urban 'A' under the Pittwater LEP 1993 (zoning map **Tag H**).

Dwellings (with the exception of those allowed under Clause 17 of the LEP) and seniors living development are prohibited in this zone.

The land which directly adjoins the site to the east is zoned 2(a) Residential 'A' under Pittwater LEP 1993. The Seniors Living SEPP applies to land which is zoned for urban purposes or adjoins land zoned for urban purposes and where dwelling houses are permissible with development consent.

The Seniors Living SEPP therefore applies to the subject site as it adjoins land in Elanora Heights that is zoned for urban purposes and dwelling houses are permissible under Clause 17 of Pittwater LEP 1993.

CLAUSES 24(2) AND 25(5) of the SENIORS LIVING SEPP

The Director General must not issue a certificate unless the Director General:

- (a) *has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made;*
- (b) *is of the opinion that:*
 - (i) *the site of the proposed development is suitable for more intensive development; and*
 - (ii) *the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).*

COMMENTS FROM PITTWATER COUNCIL

The General Manager of Pittwater Council **objects** to a site compatibility certificate being issued for the subject site (letter **Tag B**) for the following reasons:

- the subject site has been part of the Ingleside release area since 1991. All land in the release area should be considered holistically rather than on an ad-hoc, site-specific basis;
- an equitable and comprehensive approach towards infrastructure funding and delivery across the whole of the release area is necessary to provide local and state infrastructure;
- the loss of 28ha of relatively unconstrained land from the Ingleside release area may compromise the ability to provide an optimal planning outcome for the land;
- the Traffic and Transport Report, prepared by Halcrow, is inadequate in a number of respects such as the incorrect use of traffic generation rates. The Report does not adequately demonstrate how the proposal is compatible with regard to traffic and transport;
- the development is not required to meet Council's 2031 housing target; and
- issuing the certificate is premature and has consequences for the future uptake of the Ingleside release area.

Pittwater Council strongly urges the Director General not to issue the certificate as it would seriously undermine progress towards a 'whole-of-government approach' towards a planning solution for Ingleside.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Director General must not issue a certificate unless he/she is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The subject site adjoins the residential area of Elanora Heights, which is predominantly developed for low density housing.

The site comprises a mix of horticulture, agriculture and rural residential activities and there are no major environmental constraints which deem the site unsuitable for more intensive development.

The subject site is also located within the southern portion of the Ingleside release area, which has been on the Metropolitan Development Program since the 1970s for intended future residential use. The Ingleside release area was effectively put 'on hold' in the 1990s due to issues relating to the servicing and funding for infrastructure.

Given its history and the fact that it has been identified as potential urban land for almost three decades, it is considered that the subject site meets the criteria that the Director General must consider in terms of its suitability for more intensive development.

Development of the site for more intensive uses would also be consistent with the adjoining Elanora Heights residential area, located to the east of the subject site.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Director General must not issue a certificate unless he is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Ecological and riparian

A flora and fauna study prepared by Total Earth Care Pty Ltd in 2004 recorded 94 plant species and 40 fauna species on the subject site. No threatened plant species or endangered communities, listed on the Threatened Species Conservation Act or the Environmental Protection and Biodiversity Conservation Act, were found on the site. However, two plant species of local conservation significance were recorded as occurring within the area and one threatened fauna species and five native plant communities were recorded on the site.

The study recommended the bushland, freshwater wetland areas and riparian zones on site should be considered for protection from development given their ecological significance.

The site also includes 2 watercourses, one running east to west through the northern portion of the site and a second watercourse which extends south west.

Bushfire

Pittwater Council's Bushfire vegetation mapping has identified two small portions of the boundary of the site as being within a bushfire vegetation buffer. Land to north and south of the site is Bushfire Prone Land – Vegetation Category 1. Should the development of the subject site proceed, the response to bushfire hazards will need to be further considered at the development assessment stage.

Flooding

The site is outside the flood risk area identified on Pittwater Council's Flood Risk Map.

Geotechnical and contamination

A contamination assessment report prepared by Coffey Geosciences in 2004 found that the allotments investigated (4 out of the 18 allotments were investigated) were suitable for residential use.

Although, heavy metals were detected in the soil samples analysed, they were at concentrations below the human health based guidelines for residential soil. Detailed assessment can be carried out as part of the development assessment stage.

Heritage

There are no identified items of heritage or aboriginal significance on the site and the site is not a heritage conservation area. There are no items of heritage significance within close proximity to the site that would be adversely affected by the development of the site.

Existing uses

The majority of the subject site is used for rural-residential purposes, such as animal grazing, animal training and boarding, retail and wholesale plant nursery and a church. Historically the site was used for market gardens and glasshouse farming, however these activities have now been replaced.

The site adjoins the Elanora Heights Country Club and the Monash Golf Club and a large lot residential subdivision and seniors living development to its east.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Director General, are likely to be the future uses of that land (clause 25(5)(b)(ii))

In all likelihood, the future uses of surrounding rural residential lots will be for urban purposes. As previously advised, the subject site is also located within the southern portion of the 620ha Ingleside release area. The Ingleside release area has been on the Metropolitan Development Program since the 1970s and has a dwelling target of 3,900 dwellings. Ingleside is also identified in the draft North East Subregional Strategy as the main source of greenfield housing for the subregion to 2031.

Ingleside release area was effectively put 'on hold' in the 1990s due to issues relating to the servicing and funding for infrastructure. A number of studies have been done (most recently in 2007 and 2008) to assess the constraints to urban development of Ingleside. These studies suggest that the subject land, being relatively unconstrained would be used for urban purposes.

It is noted that the loss of 28ha of land from the Ingleside release area may compromise the ability to provide an optimal planning outcome for the release area and an equitable approach towards infrastructure funding and delivery across the whole of the release area. However, the development of the subject site for up to 850 seniors living units is consistent with the future use of the land, being land to be used for urban purposes.

3. The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))

Access to services and facilities

The nearest centre to the subject site is the Elanora Heights neighbourhood centre located approximately 550m from the subject site. This centre has a limited range of retail and services including an IGA, post office, pharmacy and dentist.

Other centres close to the subject site include Warriewood Square, which is a stand alone shopping centre, Mona Vale town centre and the Narrabeen village centre. Warriewood Square is located approximately 3.5km from the site and provides for a wide range of retail and commercial facilities including two supermarkets, post office, bank, dental clinic and a pharmacy.

Mona Vale and Narrabeen are located approximately 5.5 kilometres and 4 kilometres from the subject site respectively. Services at Mona Vale include Pittwater Place shopping centre which has a supermarket, gym and 35 specialty stores including a bank, eye care clinic and pharmacy. Narrabeen village consists of mainly strip shopping. Both centres are included in a bus network which provides access to the Sydney CBD.

The site is located approximately 12km from the major centre of Dee Why-Brookvale, which services the north east subregion.

The nearest health service facilities include the Mona Vale and the Manly hospitals. These hospitals are located approximately 5km and 17km from the subject site and provide 165 beds and 196 beds respectively, emergency services and intensive care units.

With regard to recreational services, the subject site is surrounded by a number of parks, reserves and open spaces. The nearest open space facilities to the subject site includes: Ingleside Park, Irrawong Reserve, Warriewood Wetlands and the Monash and Elanora Country Clubs (including a golf course and bowling club) which adjoin the site. The subject site is also in close proximity to the Garigal National Park.

Clause 26 (Location and Access) of the SEPP (Housing for Seniors and People with a Disability) 2004 requires that seniors living developments are accessible to the following services and facilities:

- *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- *community services and recreation facilities, and*
- *the practice of a general medical practitioner.*

As discussed above, services required under Clause 26 are available within the nearby centres of Elanora Heights and Mona Vale.

The nearest bus stops to the subject site are located within the Elanora Heights centre, approximately 550m for buses travelling north and approximately 650m for buses travelling south from the site. However, this distance is measured from the closest part of the site, while the furthest part of the site is located about 1.2km from the Elanora Heights centre. Buses from Elanora Heights run between Mona Vale and Narrabeen via Warriewood Square.

Details of bus services to and from the site as they relate to the requirements of the Clause 26(2)(b) are set out below.

• Services to Narrabeen	- 4 between 8am and 12pm - 7 between 12pm and 6pm
• Services to Mona Vale	- 5 between 8am and 12pm - 6 between 12pm and 6pm

Under the SEPP a public transport service is required to be located at a distance of not more than 400m from the site of the proposed development. Whilst the public transport services comply with the requirements of Clause 26, in terms of the frequency of public transport provided, the proposal does not comply with the distance requirements set out in Clause 26 of the SEPP, especially for dwellings on the far west of the site.

The application also requests a commitment from Transport NSW to extend the bus route through the site. Transport NSW advises that it has a number of competing priorities for bus services and each proposal has to be prioritised and assessed on its merits. As Transport NSW has not yet made a commitment to an extension to bus services, the service cannot be guaranteed. The application envisages a village bus service would operate to and from the site to surrounding local facilities.

It is considered that if measures are not introduced to extend bus routes to service the subject site, the current distance of public transport may make it difficult for elderly people to get to required services.

Clause 26 also sets out requirements for gradients of pathways to public transport facilities. The application advises that the footpaths in the area are in need of repair and the gradients in some areas are non-compliant (grade of 1:8 for a length of 6m and 1:7 for a length of 2m).

It is acknowledged that there are issues regarding accessibility to public transport. However, these issues can be addressed further at the development assessment stage.

Utility infrastructure

Water and Sewer

The application highlights that reticulated water and sewer services can be made available to the site. The application states that Sydney Water advised that there will be no obstacles to servicing the site. The site is presently serviced by water and sewer infrastructure.

Power

The Application states that power, gas and telecommunications are available to service the site from Powder Works Road.

Any proposed financial arrangements for infrastructure provision

Council is of the view that the seniors living development will sever opportunity to equitably collect infrastructure and services funding for the release area.

The applicant has not provided any details of financial arrangements for infrastructure provision and has advised that full details of the financial arrangements and funding of the infrastructure for the site will be documented at the development applications stage.

In assessing any development application for the site, further consideration should be given to opportunities to improve public transport services to the site, access to the site and improvements to road intersections.

Traffic conditions

A Traffic and Transport Report prepared by Halcrow concludes that key intersections along Powderworks Roads will continue to operate satisfactorily with the proposed development.

In particular, the Report advises that the intersection of Mona Vale Road and Powderworks Road will continue to operate with the same level of service during am and pm peak periods. This is because seniors living is considered to generate less trips per dwelling compared to standard residential dwellings and trips tend to be made outside of peak time.

The Traffic and Transport Report concludes:

- intersections at Powderworks Road/Wilson Avenue and Powderworks Road/Wilga Street will need to be upgraded to include roundabout treatments;
- there is sufficient capacity within the surrounding road network and with the proposed intersection upgrades to accommodate the proposal;
- the proposal will not trigger the need to upgrade Mona Vale Road or intersections along Powderworks Road; and
- the site can be serviced by public transport.

The Report also advises that the degree of saturation for Mona Vale Road and Powderworks Road is estimated to be 0.8/0.9 and a degree of 0.9 indicates that the intersection has limited spare capacity.

Pittwater Council has advised that the Report does not adequately demonstrate how the proposal is compatible with regard to traffic and transport and the traffic generation rates used are too low.

Comments from Roads and Maritime Services

The Roads and Maritime Services provided its comments on the Traffic and Transport Report (Tag I), prepared by Halcrow, and concluded that:

- although the Report assumed a traffic generation rate of 0.15 trips/peak hour, the most appropriate traffic generation rate for this location is 0.2 trips/peak hour;
- most of the traffic generated from the development is expected to travel south to North Narrabeen. Therefore, signalised intersections at Pittwater Road/Garden Street and Powder Works Road/Garden Street also need to be analysed to identify improvement works;
- the horizontal alignment of Powder works Road and Wilson Avenue and Wilga Street may need to be realigned;
- no direct access from Powder Works Road to the proposed lots should be provided;
- the proposed laneway from Powder Works Road, south of Ingleside Road intersection, should be removed and the residential lots in this corner should be serviced via an alternative service road; and
- the proposed extension of bus services to the intersection of Powder Works Road/Wilga Street intersection may not be a viable transport option for most of the residents, as the intersection is more than 800m from the eastern side of the development. For buses to be a meaningful transport choice they need to travel through the internal road network. The developer may need to subsidise the bus operation until it is commercially viable to service this development.

Further consultation with Roads and Maritime Services at the development assessment stage would be appropriate.

4. In the case of applications in relation to land that is zoned open space or special uses the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

This clause is not relevant to this application.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

The concept design proposes to include low density housing comprising 1 and 2 storey detached and attached dwellings and independent living units, high care dwellings and a nursing home proposed to be 2 to 3 storeys in height. The application proposes 800-850 dwellings for the site. It is noted that the Elanora Heights residential area is predominantly developed for low density housing.

The application does not include detailed designs of the scale and bulk of the proposal and it advises that once a Certificate has been granted further site analysis, market research and detailed designs will be undertaken to ensure the new development contributes to the overall character of the area.

It is considered that the scale and bulk of the proposed development of 800-850 dwellings could be designed in a manner that will be sympathetic to existing and likely future built scale of the adjoining area.

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003* the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))


The majority of the site is cleared or disturbed land and the application states that no clearing of native vegetation would be required as a result of the proposed development.

One threatened fauna species and five native plant communities were recorded on the site and the application advises that bushland, freshwater wetland areas and riparian zones on site should be considered for protection from development given their ecological significance. It is considered that further detailed assessment of the designs impacts on native vegetation can be carried out as part of the development assessment stage.

OTHER RELEVANT MATTERS

Demand for seniors housing in the North East Subregion

Population projections indicate that in the north east subregion, the population of over 65 years of age is likely to grow to 50,510 (19.6 per cent of the total population) by 2031. The ageing population is likely to contribute to the need for greater housing choice and generate demand for higher density housing.

It is noted that the majority of the existing housing stock in the subregion is detached dwellings, which makes up 80 per cent of housing stock in Pittwater. Therefore there is significant demand for a broader mix of housing types within the area, including seniors housing. 

It is considered that seniors housing in this location will accommodate some of the current demand which exists for seniors living within the subregion.

Comments from Strategies and Land Release

Strategies and Land Release have advised that they do not have a role in the site compatibility certificate process. However, future ad hoc development of the Ingleside release area will make planning and delivery of the whole release area more difficult and may result in parts of Ingleside being developed without contributing to State infrastructure.

CONCLUSION

It is considered that on balance a site compatibility certificate for seniors housing at the Wilga Wilson Precinct should be approved.

The development of the subject site for seniors housing is compatible with the intended future residential use of the Ingleside Release Area and seniors housing in this location will accommodate some of the current demand for seniors living within the north-east subregion.

The proposal does not comply with the distance requirements set out in Clause 26 of the SEPP as the nearest bus stops are located approximately 550m to 650m from the site and the gradients in some areas are non compliant with the requirements set out in the SEPP. However, these matters can be addressed through the development assessment process.

The major concerns relate to the removal of the 28ha of some of the least constrained land from the Ingleside release area, which may compromise the ability to provide a holistic planning outcome for the release area and may impact on the ability to provide an equitable approach towards infrastructure funding and delivery across the whole of the release area. However, the development of Ingleside has been delayed for many years and the proposal would provide a significant amount of compatible housing in the near future.

RECOMMENDATION


It is RECOMMENDED that the Director General:

- **note** this report;
- **consider** any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the relevant General Manager within 21 days after the application for the certificate was made as set out in the report;
- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- **form the opinion** that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate;
- **determine** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate subject to satisfaction of certain requirements specified in the certificate **Tag C** for the Wilga Wilson Precinct; and
- **sign** the letters to the applicant and council advising of this determination **Tags D and E**.

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Sydney Region East

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