



Oxford Falls Valley & Belrose North Strategic Review
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

6 August 2013

Dear review panel members,

Oxford Falls Valley and Belrose North Strategic Review

We are engaged by local land owners the Sisters of the Good Samaritan ('SGS') to assist with the review process and provide our professional comments on the content of the draft review report.

The location of the SGS owned land is shown as Appendix 1

Our comments on the draft review report themes are as follows.

1. ***Seniors living*** – the approach adopted seems to be unnecessarily limiting to the possibilities of seniors accommodation on selected sites. The need for more appropriate accommodation for seniors is undeniable and limiting the ability for any land to participate in a merit assessment process will exacerbate supply problems that already exist locally.
 - Limiting future potential of accommodation for seniors is inconsistent with the Metropolitan Strategy and not in the broad interests of the community. Seniors accommodation plays an important role in co-locating for more affordable care and services delivery in the home and also facilitates urban renewal and modernisation as older dwellings are updated and redeveloped for improved supply of residential accommodation.
 - The rationale provided in the report regarding the application of the proposed E3 zone and relationship to SEPP Seniors Living 2004 (Housing for Seniors and People with Disability) ('SEPP SL') presents a logical flaw. The rationale that had the revisions to the SEPP SL in 2004 been adjusted in WLEP2000 then seniors living would not have been a permissible use is not supported by the relevant history that applies to many of the sites impacted including the land owned by SGS. The logical flow of the rationale provided requires the presumption that the land was definitely worthy of an environmental protection zone at that time.

The evidence that may support this is the WLEP2000 Environmental Protection map layer that was exhibited with the draft WLEP2000 (Attached at Appendix 2).

The SGS land was explicitly **excluded** from classification as Environmental Protection land on this exhibited map and is therefore counter to, rather than supportive of, the rationale provided in the report.

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We attach a timeline of the permissibility of seniors housing on the SGS property incorporating the published environmental and constraints status of the property (Appendix 3).

2. **Site compatibility threshold** - Seniors Living potential development will be required to get site compatibility under an R5, RU4 or RU6 zone. All of these zones represent a more accurate translation of existing provisions than E3. We note that all options are available to be used as part of this review. No reasons are presented in the review report explaining why these available options are not being considered.

WLEP2000 currently supports some land, including the SGS property not requiring a site compatibility certificate because it is a permissible use under the WLEP2000 and therefore CL 24(1A) of SEPP SL applies. This will change if translated as R5, RU4, RU6. Not having permissibility under another planning instrument will require a Site Compatibility Certificate to be sought and received prior to any development application being submitted.

The Department and Warringah Council can be assured that suitable checks and balances in the system to ensure only appropriate and supported development will occur. Neither the Department nor Council should require an E3 zone to be applied to limit seniors housing potential.

3. **Translation methodology** – The review report uses inconsistent language and, in parts, an inconsistent methodology to deal with what is reported as a translation. Examples of the language used throughout the report such as ‘upzoning’ suggests that in parts, the review is more than a pure translation exercise as has been previously communicated. That said, some aspects of the controls that apply to the land have been selectively avoided such as density controls temporarily derived in 1974 that have no currency or relevance.
- The constraints assessment is not indicative of a translation exercise and it is difficult to see its relevance to a translation exercise. It is appropriate to consider under Phase 2 when the PAC studies are undertaken.
 - The translation of other property from WLEP2000 to WLEP2011 was not affected by the same constraints based methodology used in this review. This presents an inconsistency based on the timing of transition to WLEP2011.
 - The source and quality of the constraints information is not able to be assessed. It is being used to make decisions that have serious ramifications and will therefore need to be supported by accurate and objective studies.
 - The constraints information presents with consistency against previous desk top information held by Warringah Council and it is not clear what involvement the Department has had in verifying this information. We suggest the Department addresses this in the final report and provides transparency over the source and quality and its understanding of how the constraints information is derived. This should be done for its use in Phase 2 of the required PAC studies.

4. **Planning system review** – we have been presented with new information regarding the review of the NSW planning system that was not available when this review commenced. Given that such information is now available on public record, we believe it is appropriate for it to be considered as part of this review. Specifically:
- Timing - the next steps in this process are likely to be undertaken when we will have a new planning system being implemented which may remove the relevance of some of the actions being taken in this review, such as the E3 zone.
 - Status of zones and SEPP's – this should be considered in detail to ensure the outcomes of this review and the subsequent planning process remain relevant. Refer Appendix 2 extracted from the White Paper.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adam Somerville'.

Adam Somerville
Managing Director
PwC Real Estate Advisory

APPENDIX 1 - LAND OWNED BY SGS



Key

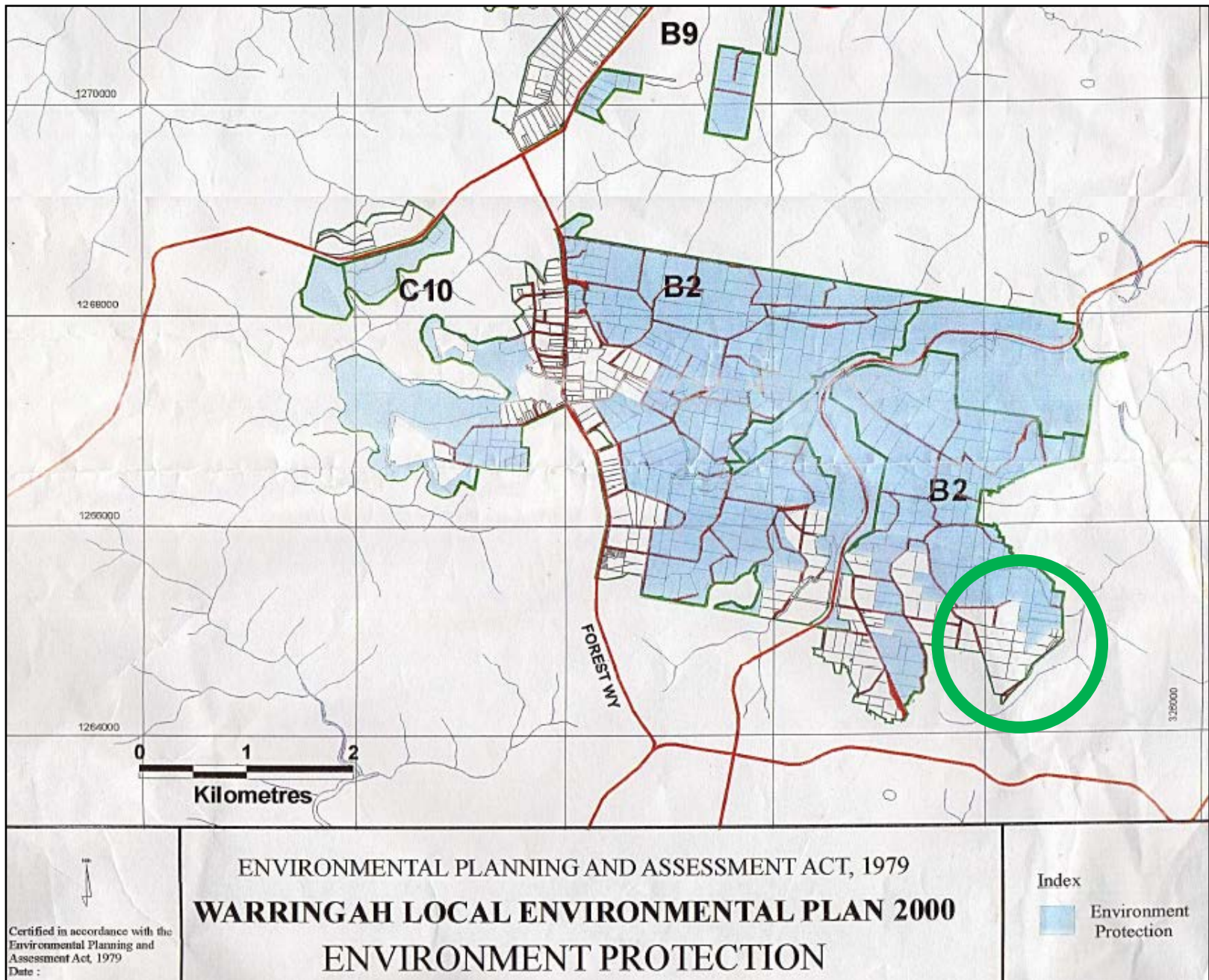


Site Area

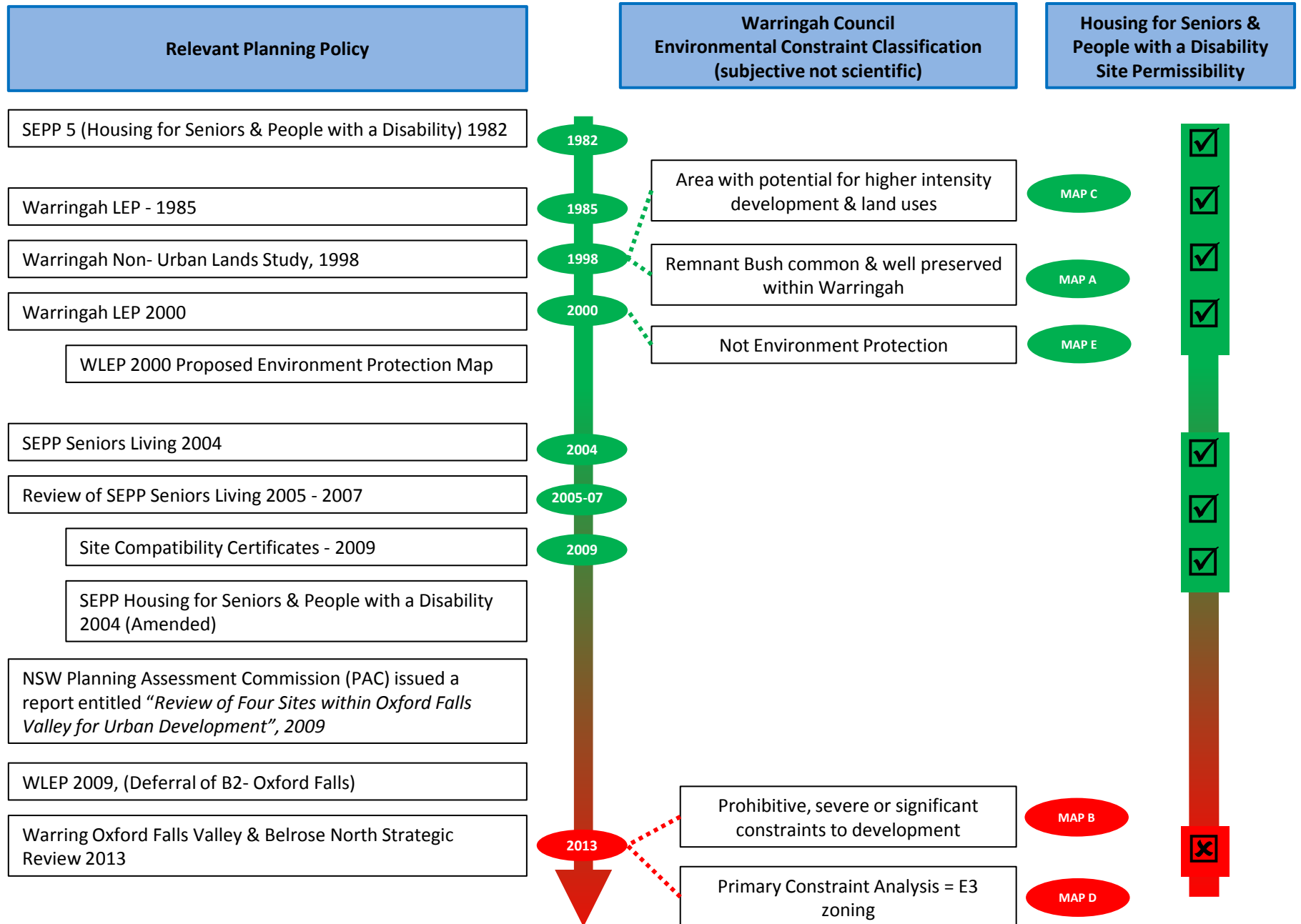


B2 Oxford Falls Locality (Warringah LEP 2000)

APPENDIX 2 – ENVIRONMENT PROTECTION



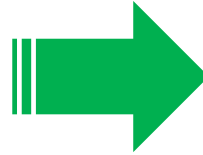
APPENDIX 3 – TIMELINE



MAP A

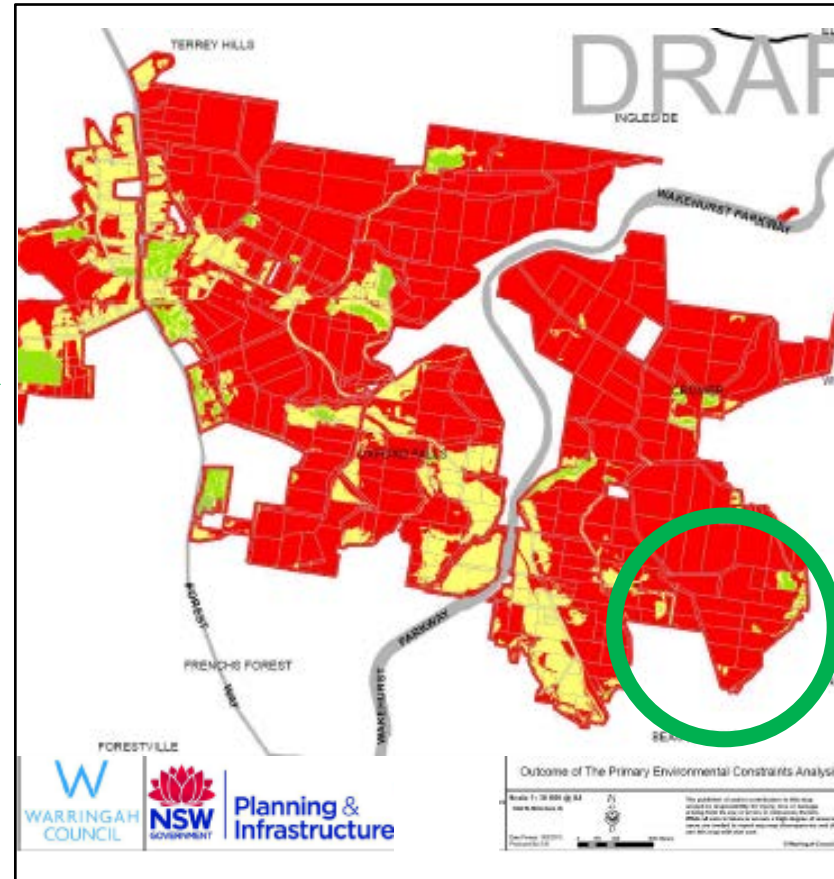
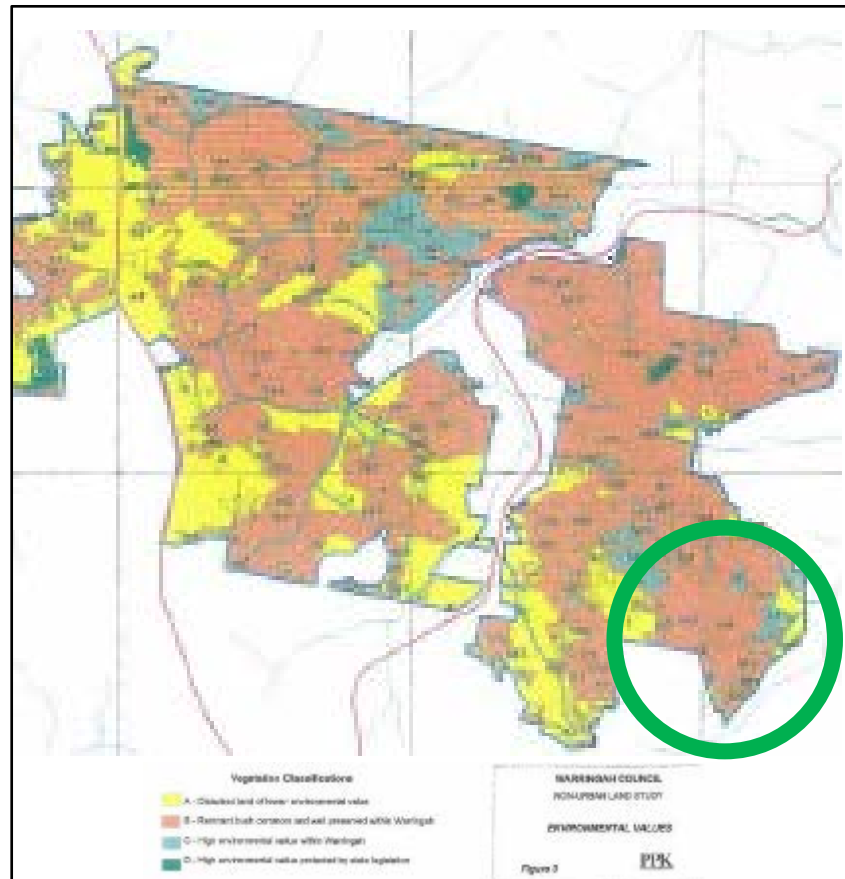
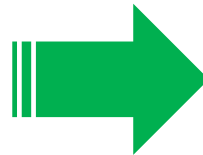
WARRINGAH COUNCIL NON URBAN LAND STUDY (2002)

- Disturbed land of lower environmental value
- Remnant bush common and well preserved within Warringah**
- High environmental value within Warringah
- High environmental value protected by state legislation



WARRINGAH COUNCIL OUTCOME OF THE PRIMARY ENVIRONMENTAL CONSTRAINTS ANALYSIS (2013)

- No environmental constraints to development
- Moderate environmental constraints to development
- Prohibitive, severe or significant constraints to development**

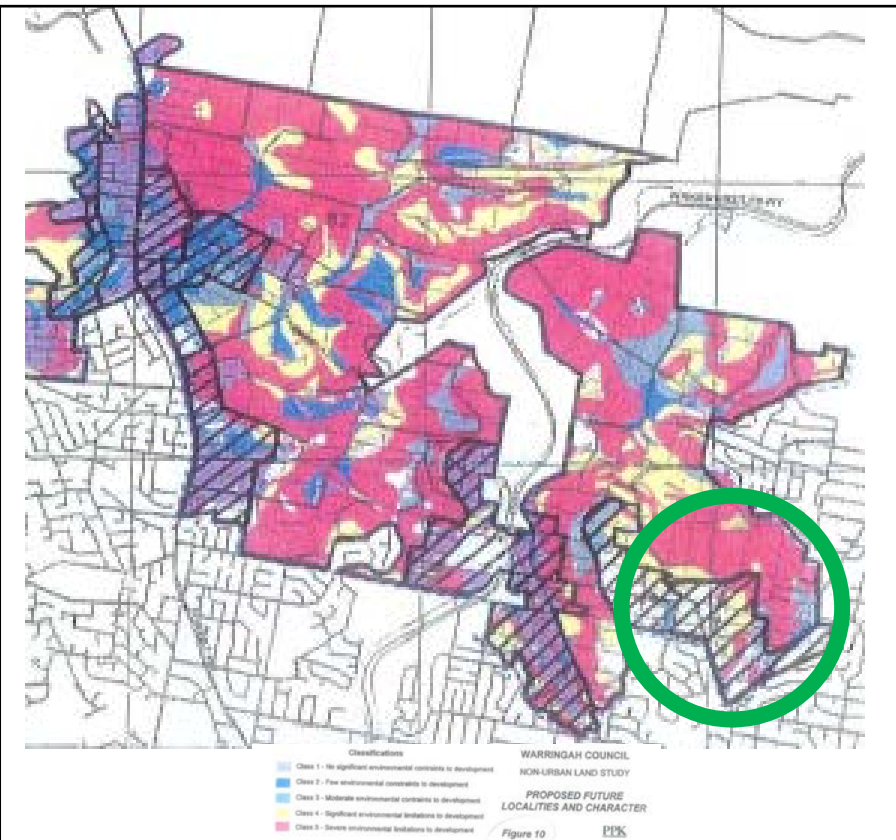


MAP C

MAP D

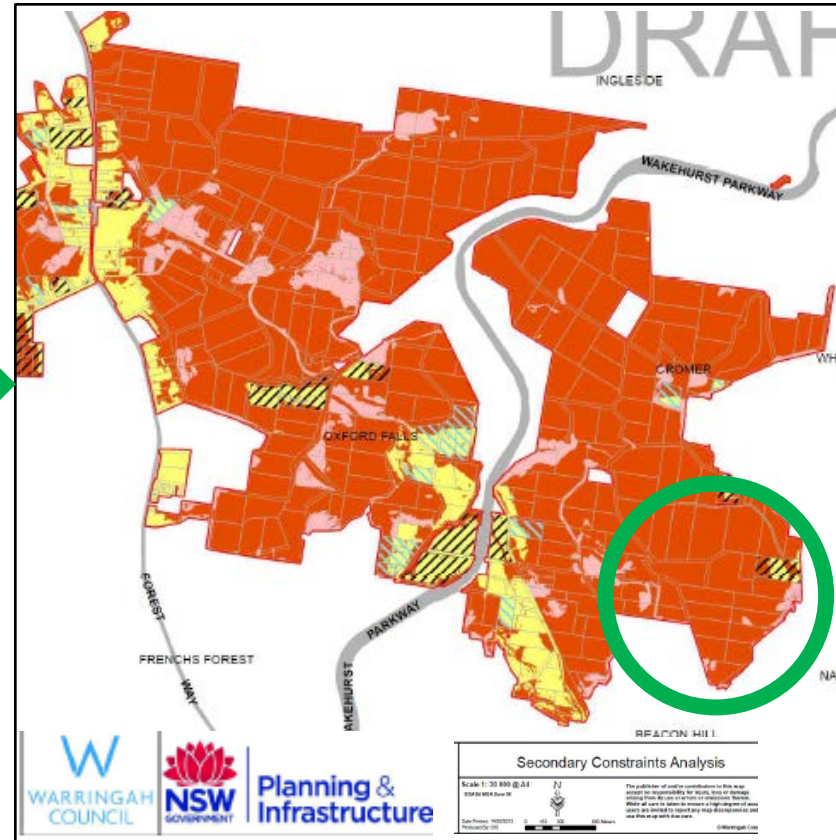
WARRINGAH COUNCIL NON URBAN LAND STUDY (1997-2001) PROPOSED FUTURE LOCALITIES & CHARACTER

- Class 1 – No significant environmental constraints to development
- Class 2 – Few environmental constraints to development
- Class 3 – Moderate environmental constraints to development
- Class 4 – Significant environmental limitations to development
- Class 5 – Severe environmental limitations to development
- Area with potential for higher intensity development and land uses

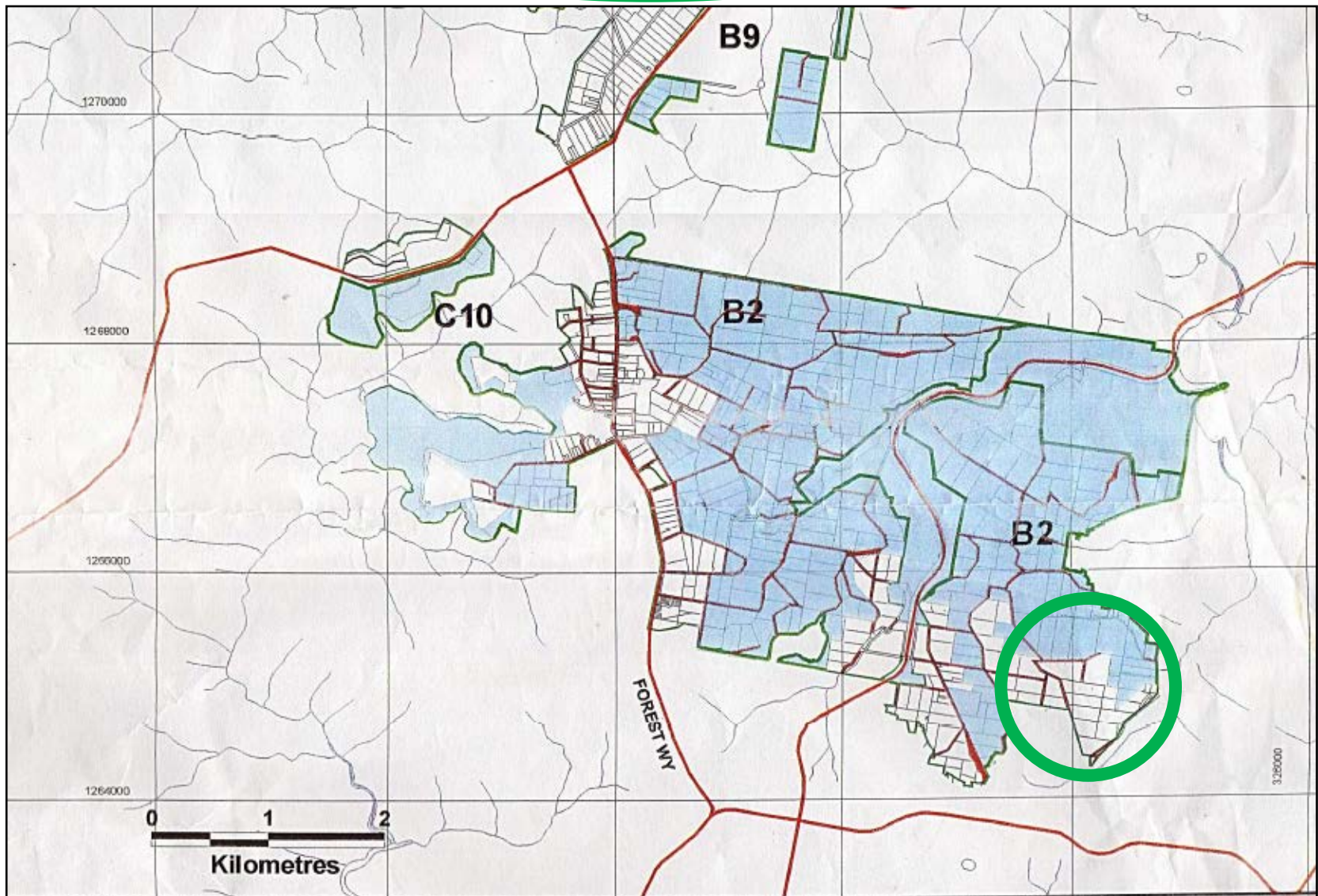


WARRINGAH COUNCIL SECONDARY CONSTRAINTS ANALYSIS (2013)

- Secondary Constraint Analysis = E3 zoning consideration
- Secondary Constraint Analysis = E3 zoning consideration
- Primary Constraint Analysis = E3 zoning**
- Land for further zoning consideration
- Land for further zoning consideration



MAP E



Certified in accordance with the
Environmental Planning and
Assessment Act, 1979
Date :

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2000 ENVIRONMENT PROTECTION

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Environment
Protection