

Emma,

My apologies for the delay in responding.

I wish to advise that Council objects to Mod 5, and the grounds for this are set out below.

1. In Council's opinion a 75W Modification is not the appropriate mechanism for a further extension of the Senior Living Development. Council has previously expressed the same view in respect of Mod 3 however this was rejected by the Department and Mod 3 was subsequently approved. In Council's view, the only commonality between the originally approved subdivision and Mod 5 is that they both provide for residential accommodation. However, the scale and nature of that residential accommodation is distinctly different. The original approval provided for a typical residential subdivision that had an open flow into and within it from one part to another. The current proposal would result in around 60% of the original area becoming a sequestered and gated community effectively isolated from the remaining residential precinct. Further, rather than producing a low density residential neighbourhood, Mod 5 would create a substantially medium to high density precinct the potential for which, Council suggests, was not envisaged when the original proposal was considered. It is a simple matter of fact that, within the area where once 168 lots were to be provided, Mod 5 would result in 278 dwelling sites amounting to at least a 65% increase in residential density. Over the Saltwater precinct Mod 5 would result in about a 40% increase in density. The resulting density of residential development is greater than that when the area of the various community facilities is excluded.

If the Department maintains the view that it had when it approved Mod 3, the logical interpretation of this is that the whole of the Saltwater precinct could become Seniors Living Development by incremental increases approved under 75W.

In Council's opinion, the whole of the Seniors Living Development ought to be the subject of a separate development application.

In view of the above, Council requests the Department to provide it with any legal advice that the Department has or will obtain to demonstrate that a 75W modification is the appropriate mechanism for considering the proposed extension of the Seniors Living Development.

If the Department advises Council that it is unwilling to do so, then Council will pursue this issue separately.

2. Council has previously advised the Department, in respect of Mod 3, that Council considered that a Traffic and Transport Assessment was required to support that Modification. The applicant provided advice that an average daily vehicle trip of 1-2 per dwelling was appropriate and consistent with the RMS Guidelines. Council did not actively pursue this at the time because it was evident that the Department was of a mind to approve Mod 3 on the basis of this low traffic generation.

Council now objects to the use of this level of vehicle trip generation as Council considers it is not appropriate to the nature and location of this Seniors Living Development.

The latest RMS update to traffic generation occurred in 2013, and it is suggested that much has changed in Seniors Living in the intervening 5 years, and a Senior is now more likely to

be a more active and independent person as evidenced in the advertising campaigns for such developments. A perusal of the RMS' Seniors Living surveys shows that the regional surveys were done 10, 12 and 14 years ago and therefore Council does not consider them to be representative of current Seniors Living Developments

Council therefore considers that a current Traffic and Transport Assessment Report should be provided for the whole of the Seniors Living Development, and this Report must include an assessment of traffic generation by a number of like Seniors Living Developments, such as Ocean Club Resort at Lake Cathie.

3. Council objects to Mod 5 as there has been no detailed investigation into the provision of water and sewer services. The Statement of Environmental Effects that has been provided simply makes generic statements such "all services and infrastructure are readily available to the existing site and capable of being extended to the seniors living development" and there has been no detailed investigation of what capacity may be available.

Council's preliminary assessment is that Stage 1 development can be accommodated within the existing infrastructure but for Stage 2 onwards, including any request for additional ETs, a detailed assessment must be undertaken, and at least the capacity of the water supply trunk main is likely to be exceeded.

Therefore, Council considers that the proponent must undertake a detailed investigation, in consultation with Council, to demonstrate how adequate water and sewer services can be provided to the whole of the Seniors Living Development without impacting on the ability to service the low density residential subdivision and vice versa.

4. Lastly, Council objects to the proposed extension of the Seniors Living Development because there has been no information provided to demonstrate that the demand for Seniors Living accommodation is such as to justify dedicating more than around 60% of Saltwater to such development at the expense of substantially reducing the production of low density residential lots.

If you require any further information or wish to discuss any of the above matters please give me a call on 02 – 6566 3254.

Regards.....Les

Les Pawlak

Development Compliance Officer | Kempsey Shire Council