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18 July 2018  
Ref: 5144

NSW Department of Planning & Environment  
GPO Box 39  
**SYDNEY NSW 2001**

Attention: Emma Butcher, Planning Officer, Regional Assessments

Dear Emma,

**Re: Response to Comments - Modification MP 08\_0167 MOD 5 at Belle O'Connor St, South West Rocks**

Thank you for your email dated 13 July 2018 with comments from Council, public authorities and the general public regarding Modification MP 08\_0167 MOD 5 at Belle O'Connor St, South West Rocks following the consultation period. We have reviewed the responses and provide comments below.

It is noted that no issues have been raised which preclude approval of the modification, with Council re-iterating many comments which were raised and resolved with Modification 3.

Below is an extract of Council's response and a comment in response.

**Council Response:**

*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*



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*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.*

**Comment:**

The issue regarding the development being substantially the same has already been correctly squashed by the Department as part of the assessment of Modification 3 and review against S.75W of the Act, not Section 4.55 which relates to modification of development applications (not being Part 3A approvals). It is not expected that the Department would have received legal advice given that S.75W of the Act does not require the modified development to be "substantially the same", as S.4.55 does.

Council is considering seniors living as a higher density form of development, which is incorrect. The smaller dwellings, limited occupancy rates for seniors living (refer to comments below) and lower traffic generation reveal that seniors living developments are less intense than a standard residential development.

The density the Department used being 2.6 people per dwelling for the residential and 1.4 people for the seniors living development (SLD) which showed 709 for the residential and 670 for the SLD, the difference of 39 in the SLD favour, however the 1.4 people per SLD was obviously done on a normal residential 2 bedroom and is an average estimate only.

Below is an extract from the Australian Bureau of Statistics regarding Aging Population from the 2016 census (<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016-Main%20Features~Ageing%20Population~14>):



## LIVING IN PRIVATE DWELLINGS

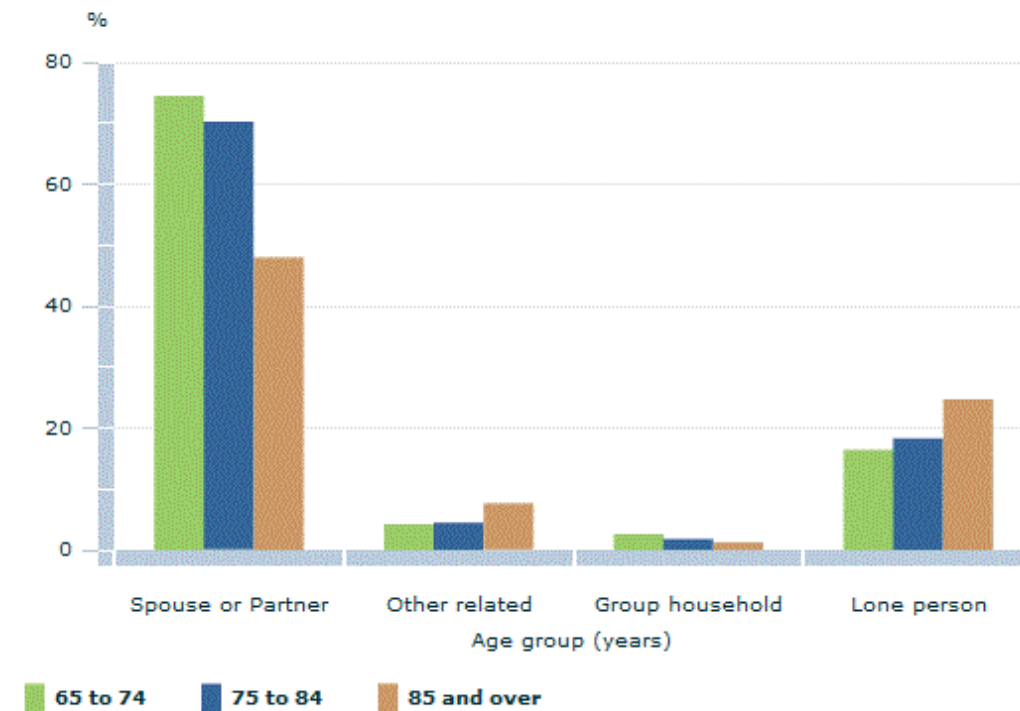
### Living arrangements

In 2016, more than half (58%) of all older people lived with a spouse or partner in a private dwelling. The group who lived with a spouse or partner included older people who: had no children in the dwelling (48% of all older people), lived with children (7.7%), or lived in a multi-family household (2.6%). A quarter of older people (25%) lived alone.

The 65 to 74 years age group were most likely to live with a spouse or partner (68% of people in this age group), while those aged 85 years and older were more likely than the other age groups to live alone (35%).

For all Australians, the likelihood of a person living alone increases with age. However, the increase is much sharper for older women than older men. Older women were more likely than other age groups to be in a lone person household, close to a third (31%) of older women compared to almost one in five older men (18%). The difference between women and men was greatest for the 85 years and over age group (41% compared to 25%).

Older males by age by selected living arrangements(a)(b), 2016



Save Chart Image

Australian Bureau of Statistics

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This clearly shows the majority of people over 65 live as a couple, followed by lone people representing approximately 25%. Therefore, it is reasonable to expect that a one or two bedroom dwelling only is utilised.

Further, an intensive survey of some 990 homes was conducted in 2013 by the Department of Housing and Public Works (extract below) indicates that 57% of residents who lived in manufactured homes, reported living alone. It is common for the aging population to also reside in manufactured housing estates. This is comparable to a senior's living in terms of occupancy, with census data revealing that over 65 years of age, people lived either alone or with a partner, with only a very low percentage (between 3-9%) living in larger housing options such as with relatives or in group household.

#### Living arrangements

Response rate: 98%

57% of respondents reported living with a spouse, while 42% reported living alone and 1% provided in another living arrangement. The other arrangements provided include living with a sibling, parent or child.

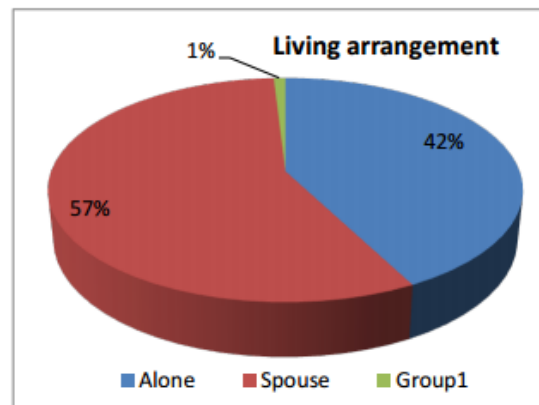


Figure 13

The data above reveals that the density of aged housing is significantly reduced due to the age demographics and actual living arrangements of that demographic. Only 380 people instead of 670, add another 57% of 78 and we only have another 44 people, total being 424 for the total SLD including the extension.

#### **Council Response:**

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.



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*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.*

**Comment:**

Given that seniors living has a much lower traffic generation than a standard dwelling, a new traffic assessment is not warranted. The Department in their Modification 3 assessment, indicated that the SLD would generate fewer traffic movements (389) trips compared to normal residential development (1,125 trips), we are only adding another 78 sites which is still 658 trips less than residential.

Council has identified Ocean Club as a point of comparison, which is in fact approved as a Manufactured Housing Estate, not a senior's living development and does not have a restriction on age on the development application as it is not made under the SEPP. A publicly available traffic count of Ocean Club Resort was undertaken by Streetwise in June 2017 which identified a rate of 3.6 trips per house / lot per day.

However, it is not considered that Ocean Club is directly comparable given there is no age limit enforceable on the development consent and the use is not seniors living under the SEPP. As such, the reduced traffic generation expected from residents over 55 years of age, cannot be accurately reflected from a review of Ocean Club and it will likely be less.

Based on the RMS Guide to Traffic Generating Development, a standard residential block has an average daily vehicle trip of 9 per dwelling, whereas seniors housing has an average daily vehicle trip of 1-2 per dwelling. This does not take into consideration the bus proposed as part of the overall seniors living development which would reduce the dependency on private travel, as well as the pedestrian network and linkages.



**Council Response:**

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.

**Comment:**

Council has prepared a water/sewer plan for the SWR area (copy attached and extract below), which indicates that our development area has a capacity of 450 houses. This plan has been provided by Council to previously show capacity. Once again, the Department in their Modification 3 assessment, said that they are satisfied that the SLD is unlikely to result in an increase in population on the site or demand for services and this again is true for the extension.





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**Council Response:**

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.

**Comment:**

Development of the land is occurring in a permissible form, being seniors living housing. There is no requirement to demonstrate if a land use is commercially viable or to favour one form of development over another. From our research and consistent with much of the mid-north coast, we are aware of a need for seniors housing in the area and a commercial decision has been made to pursue such housing.

Below is a summary of the public authority comments, noting that none objected to the proposed modification and a comment provided in response.

<b>Agency &amp; Comments</b>	<b>Comment</b>
<b>DPI</b> - No objections or further comments or recommendations.	Noted.
<b>OEH</b> - Satisfied that the proposal is consistent with the requirements of the project approval. - No issues with the modification.	Noted.
<b>RFS</b> - Does not raise any objection to the proposed modification. - Includes conditions.	Noted.
<b>RMS</b> - Confirmed that the proposed modification will decrease the daily vehicle trips (residential development to seniors housing development). - Consent Authority should be satisfied that any increase in peak hour trips has been identified and that suitable infrastructure will be provided to address the impact on the safety and efficiency of the surrounding road network.	Agree that the daily vehicles trips will decrease from residential lots.  It is well known and established in traffic assessment that seniors living developments have different peak times to standard residential, occurring outside of the normal peak times.



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<ul style="list-style-type: none"> <li>- Roads should accommodate vehicle, pedestrian and bicycle movements.</li> <li>- Any future amendments to the road network should remain consistent with Council's wider network strategy.</li> <li>- Consider connectivity for public transport facilities and active transport modes such as walking and cycling.</li> </ul>	<p>The seniors living development is a private road network, which will be utilized with the series of pedestrian pathway links throughout the site, which connect externally to the site to provide connection both within and externally to the development.</p> <p>The road network connections from the seniors living development to the public road network does not impact upon the connection to the north or to Belle O'Connor Street or future known Council plans.</p> <p>The overall development was approved at the time of the Part 3A approval with good off-road connections along the north for pedestrians and cyclists (as shown on the overall site plan), which are not altered by this modification.</p>
<p><b>Transport for NSW</b></p> <ul style="list-style-type: none"> <li>- No objection to modification.</li> <li>- Comment regarding a connected and legible street network that provides direct, safe and convenient pedestrian, cycle and public transport access.</li> <li>- Comment that the development will provide an internal bus service for residents. However, the internal road design should be configured to enable access for public buses.</li> </ul>	<p>As indicated above, the safe off-road pedestrian and cyclist connections have been maintained as approved.</p> <p>A public bus will not extend into the private development and as such the private roads do not need to be altered.</p>

Below is a summary of the two submissions shown on the Department's website to the modification and a comment provided in response.

Issue Raised	Comment
<ul style="list-style-type: none"> <li>- Objects to further 200 dwellings and increase in traffic</li> <li>- Future link will make Belle O'Connor Street a main thoroughfare.</li> <li>- Objects to only one road in and out being Belle O'Connor and increased traffic.</li> </ul>	<p>The proposal is for an extension of the existing approved seniors living development to contain 79 additional sites, over an area already approved for residential lots. The statement regarding 200 new dwellings is incorrect.</p>



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- Needs two other access roads being from Phillip Drive to north and Arakoon Road to the east.	The timing of new road connections by Council is not known or part of this modification. Conditions are in place already regarding the north road connection as part of the overall Part 3A development.
- Should have been playing fields not subdivision.	Consent was granted for the residential development of the land on 3 June 2011.

It is also requested that a boundary adjustment be incorporated into this Modification 5. As part of Modification 3, a boundary adjustment was approved which provided the seniors living development on one lot. It is requested as part of this modification that the western boundary be extended to the west to encompass the entire seniors living development under both modifications. Attached to this letter is a boundary adjustment plan.

We welcome the opportunity to discuss should there be any questions and we request a review of the conditions prior to issue of the consent.

Yours faithfully

Graham Burns  
Director - Land Dynamics Pty Ltd

Attachment:

- 1. Council's water/sewer plan for the SWR area**
- 2. Boundary Adjustment Plan**