

11 September 2023

Central Coast Council
PO Box 20
Wyong NSW 2259

Re: DA/1260/2021/A – 24 Gallipoli Road Long Jetty

Reference is made to Council's Request for Information letter dated 24 August 2023. We have been requested by the applicant to provide a response to the section of letter headed "Contributions". We note the resolution of the Council dated 22 August 2023 in response to our request to modify the development contributions applicable to the project.

We have also noted that the staff report to Council based its recommendation on three statements contained within the report. A response to each of these statements is included below:

- 1. "Seniors housing is defined as a type of residential accommodation under the Central Coast Local Environmental Plan 2022, this includes independent living units and therefore are classified as dwelling units and charged development contributions under both Plans."***

The current Section 4.55 application seeks to modify a development application that was submitted under Clause 2.5 (Additional permitted uses for particular land) of Wyong Local Environmental Plan 2013 – not Central Coast Local Environmental Plan 2022. In either case, "residential accommodation" is a prohibited use within the RE2 Private Recreation zone.

A table comparing the types of residential accommodation defined in WLEP 2013 to the relevant tables in Council's Contribution Plans is shown below. It is clear that the contributions plans have only identified some types of "residential accommodation" – hence the reason we have continually made a "without prejudice" offer to pay a contribution amount commensurate with the development type that we have proposed.

Wyong LEP 2013 Residential Accommodation	The Entrance District CP Table 8	Shire Wide CP Table 3
Attached dwellings		
Boarding houses		
Co-living housing		
Dual occupancies		Dual occupancies
Dwelling houses	Dwelling houses	
Group homes		
Hostels		
Multi dwelling housing	Multi density residential flat building	
Residential flat buildings		Residential flats
Rural workers' dwellings		
Secondary dwellings	Secondary dwellings	Secondary dwellings
Semi-detached dwellings		
Seniors housing		
Shop top housing		

2. ***"The applicant has chosen scenario SH7, there has been no information provided on why SH7 was chosen and how this relates to the dwelling mix proposed in DA/1260/2021/A, the age of the occupants or their vehicle use."***

We do not agree with this statement. The original development application and subsequent Section 4.55 application were both supported by traffic reports that provided detailed trip generation information that should have been considered. In particular, Section 6 of the Traffic Impact Assessment Report by Traffix dated July 2021 provides the following statements:

"The RMS Technical Direction TDT 2013/04a (RMS TDT) provides updated traffic generation rates for various seniors living developments throughout the Sydney Region. In this regard, the RMS TDT 2013 provides traffic generation rates within non-metropolitan areas and in particular, a seniors living development within Wamberal (SH7), located approximately 10 kilometres southwest of the proposed development. This seniors living development comprises 51 ILUs, no low-care/high-care dwellings and no shuttle bus service, hence considered comparable, with the daily vehicle trip (DVT) and peak period trip generation summarised as follows.

6.1.1 Daily Trip Generation

The RMS TDT 2013 provides the DVT rate for the comparable SH7 seniors living development at a rate of 2.14 vehicle trips per dwelling. Application of this rate to the proposed 89 dwellings, results in 191 daily vehicle trips."

3. ***"the plan levies contributions on the number of bedrooms each dwelling unit contains, not on the future occupants of a development and therefore does not include a separate rate for seniors living developments."***

We do not agree with this statement. Both Contribution Plans clearly consider the future occupants of a development and have identified a different contribution rate for each of those development types which is not based on the number of bedrooms. For example, 3 Daily Vehicle Trips (DVTs) for a Tourist Accommodation Unit as opposed to 5 DVTs for a three-bedroom residential unit.

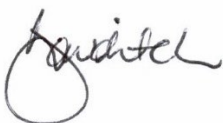
Conclusion

Our "without prejudice" offer to pay a development contribution amount based on the specific nature of the project still stands.

We don't believe that acceptance of this offer should require a separate resolution of Council.

In regard to the "Roads and Intersections" contribution scheme contained in The Entrance District Contributions Plan April 2020, Council has already adopted a Contribution Rate based on a DVT. We are simply asking that Council apply that DVT Contribution Rate to the correct type of development – i.e., Senior Housing which generates 2.14 DVTs.

Yours Faithfully



Paul Bowditch
Director
Progressive Property Solutions