

Our Ref: 89022013
Contact: Natasha Wells



7th October 2014

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Dear Rachel Cumming

SCC 14/06339

Further to our conversation on Friday 3rd October I wish to provide you with a letter outlining events to date and requested amendment to the SCC.

Living Choice Australia was issued a Site Capability Certificate on 5/3/2009. In schedule 2 of that certificate the project description stated "The construction of villa units for use as self-care seniors living housing and a residential care facility, as well as ancillary facilities, car-parking and associated infrastructure".

Whilst majority of the intended development has been approved and/ or under construction, two further DA's are currently before Council and a residential care facility currently being designed.

It was brought to our attention by Living Choice Australia's legal team in late 2013 that the current Site Capability Certificate would no longer be valid as they only have a currency of two years. Enquiries were made with Council and Department of Planning to determine whether the SCC operated in the same manner as a DA in that the currency of the SCC only related to commencement of works. It was determined by legal advice that any DA approved under the previous SCC would be invalid.

In January 2014 a new application for a Site Capability Certificate was submitted to Department of Planning. On the application form there was a section to fill out for fees and section to fill out for project description (as you want it to appear on the Certificate). These were filled out as per below:

- Fees:
 - The applications before council involve 32 self-care dwellings (attached and detached), 4 self-care units within the Leisure Centre and alterations and additions to the Leisure Centre.
 - Fees are based on bedrooms and due to the nature of the development not all 3rd bedroom/ study are used as 3rd bedrooms and as such some of these rooms were calculated as bedrooms and some of these rooms calculated as studies. Giving a total of 76 bedrooms and 10 studies.
 - Units within Leisure Centre – (4 units) (7 beds)
 - Stage 1 (2 units) (4 bedrooms + 2 studies)
 - Stage 2 (30 units) (68 beds + 8 studies)
 - Studies were not required to be identified in the SCC application.

- Project Description:
 - On the Site Capability Application, numbers were intentionally left out as the residential care facility was only at draft concept stage (only approximate numbers known) and the area to subdivide for the residential care facility was not yet determined, which meant there may have been a possibility to submit a DA for further DA's at a later stage.
 - The wording on the certificate stated "Independent living units and residential care facility and associated structures".

Upon receiving the Site Capability Certificate, there has been confusion/ misinformation and misunderstanding as to why specific numbers (76 beds in 30 dwellings and 100 beds on the residential care facility) have been nominated under the project description. We have been advised that only one of the current DA's before Council can be determined with the current wording of the SCC.

We seek to obtain an amended Site Capability Certificate with the wording under Project Description amended to read "**Independent living units and residential care facility and associated structures**" or alternatively "**The construction of villa units for use as self-care seniors living housing and a residential care facility, as well as ancillary facilities, car-parking and associated infrastructure**" as per the original Site Capability Certificate for the site.

I trust you will tend to this request expediently.

Yours faithfully



Natasha Wells
Senior Town Planner/ Urban Designer
For Cardno