



## SITE COMPATIBILITY CERTIFICATE: – PART C – SITE COMPATIBILITY OF THE PROPOSED DEVELOPMENT

Proposed Seniors Living Development:

A

Retirement Village comprising thirty nine (39) serviced self-care dwellings, a private road and landscaping.

Lot 1 in DP 1069961

No. 14 Hamilton Road Albion Park.

Job No. 209139

April 2021

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# 1. Location, zoning and surrounding land uses

The following information has been prepared on behalf of 14 Hamilton Pty Ltd to support an application to the *Department of Planning, Industry and Environment* (DPI & E) and the Southern Joint Regional Planning Panel (JRPP) for the subject site No. 14 Hamilton Road, Albion Park, to be considered for a Site Compatibility Certificate (SCC) application.

The history of SCC applications and approvals over the subject site is described as:

1. SCC approval granted 12<sup>th</sup> June 2018 for 29 dwellings + community building. The SCC approval lapsed on 12<sup>th</sup> June 2020;
2. SCC approval granted 27<sup>th</sup> May 2020 for 29 dwellings + community building. The SCC remains current until 27<sup>th</sup> May 2022.
3. The Current SCC application is made for consideration of 39 dwellings and is made concurrent with Council's assessment of DA 0675/2020 for 39 dwellings as lodged on 22<sup>nd</sup> December 2020).

By way of background Council is currently assessing Development Application No. 0675/2020 lodged 22<sup>nd</sup> December 2020 for a self-care seniors living development of the land comprising thirty nine (39) dwellings. The current SCC approval granted on the 27<sup>th</sup> May 2020 has been determined by Council to be insufficient to cover the 39 dwelling density that is proposed within the DA as the SCC that is currently in place is based upon plans that demonstrate a total of twenty nine (29) dwellings and a community building.

In order to have the ability to further consider the current DA and the proposed 39 dwelling density, a fresh SCC application has been deemed by Council to be necessary. The current SCC application therefore seeks to address this deficiency as outlined by Council and has been prepared in response to Part C of the *SEPP (Housing for Seniors or People with a Disability) 2004* Site Compatibility Certificate application form.

## 1.1 Summary Table:

Development Proposal	A Retirement Village to comprise thirty nine (39) serviced self-care dwellings, a private road and landscape embellishments. A Community Title Subdivision is proposed subject to Council consent.
Property Description	Lot 1 in DP 1069961, Parish of Jamberoo County of Camden
Site Area	Total site area = 1.94 hectares approx. Area proposed to be developed = 1.46 hectares approx. Environmentally Sensitive Land = 0.48 hectares approx.
Property Location	14 Hamilton Road, Albion Park
Owner	14 Hamilton Pty Ltd
Cadastre and Site Detail	The subject site is unencumbered by any Easements, Covenants or Restrictions to Property Title.
Consent Authority	Shellharbour City Council
Applicable LEP	Shellharbour Local Environmental Plan 2013
Zone	RU6 Transition
Minimum Lot Size	3 Hectares
Applicable DCP	Shellharbour Development Control Plan 2013
Type of Development	Local and Integrated (Natural Resources Access Regulator)
SCC History	EXPIRED: SCC granted 12.06.2018, expired 12.06.2020 CURRENT: SCC granted 27.05.2020, expires 24.05.2022

## 1.2 Supporting Documents and Plans:

Reference	Site and Architectural Plans	Prepared by	Date
T2_2020_02c Issue A Dwg. A00	Title Page	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A01	A01 Preliminary Subdivision Plan		November 2020
T2_2020_02c Issue A Dwg. A02	A02 Site Plan	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A03	Ground floor plan duplex proposal H01 (Lot 01 & 02)	Stiletto Homes	November 2020

T2_2020_02c Issue A Dwg. A08	Ground floor plan duplex proposal H02 (Lot 03 & 04)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A13	Ground floor plan 3 bedroom house H03 (Lot 05 - 10)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A23	Ground floor plan duplex proposal H04 (Lot 11 & 12)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A28	Ground floor plan 2 bedroom house H05 (Lot 13 - 18)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A38	Ground floor plan duplex proposal H04 (Lot 19 & 20)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A43	Ground floor plan 2 bedroom house H06 (Lot 21)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A48	Ground floor plan 2 bedroom house H05 (Lot 22 - 27)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A58	Ground floor plan 2 bedroom house H06 (Lot 28)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A63	Ground floor plan duplex proposal H07 & H08 (Lot 29 & 30)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A68	Ground floor plan duplex proposal H07 & H08 (Lot 31 - 38)	Stiletto Homes	November 2020
T2_2020_02c Issue A Dwg. A76	Ground floor plan 1 bedroom unit H09 (Lot 39)	Stiletto Homes	November 2020
<b>Reference</b>	<b>Landscape Plans</b>	<b>Prepared by</b>	<b>Date</b>
Sheet 01 Issue A	General Landscape Plan	Mark Spence Environmental & Landscape Services	November 2020
Sheet 02 Issue A	Typical Landscape Plan for 3 bedroom houses Type HO3	Mark Spence Environmental & Landscape Services	November 2020
Sheet 03 Issue A	Typical Landscape Plan for 2 bedroom houses Type HO5	Mark Spence Environmental & Landscape Services	November 2020

Sheet 04 Issue A	Typical Landscape Plan for 2 bedroom houses Type HO5	Mark Spence Environmental & Landscape Services	November 2020
Sheet 05 Issue A	Landscape Plan for 1 bedroom house Type HO9	Mark Spence Environmental & Landscape Services	November 2020
<b>Reference</b>	<b>Concept Engineering Plans</b>	<b>Prepared by</b>	<b>Date</b>
209139 Issue K DA00	Cover Sheet and Drawing List	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA01	Overall Development Layout Plan	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA02	Private Road Long Section & Typical Section	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA03	Private Road Cross Sections	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA04	Soil and Water Management Plan	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA05	Concept Drainage Design Lots 1 - 2	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA06	Concept Drainage Design Lots 3 - 5	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA07	Concept Drainage Design Lots 6 - 8	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA08	Concept Drainage Design Lots 9 - 10	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA09	Concept Drainage Design Lots 11 - 12	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA10	Concept Drainage Design Lots 13 - 15	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA11	Concept Drainage Design Lots 16 - 18	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA12	Concept Drainage Design Lots 19 - 20	LandTeam Australia	24 <sup>th</sup> November 2020

209139 Issue K DA13	Concept Drainage Design Lot 21	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA14	Concept Drainage Design Lots 22 - 24	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA15	Concept Drainage Design Lots 25 - 27	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA16	Concept Drainage Design Lot 28	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA17	Concept Drainage Design Lots 29 - 30	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA18	Concept Drainage Design Lots 31 - 34	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA19	Concept Drainage Design Lots 35 - 38	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA20	Concept Drainage Design Lots 39	LandTeam Australia	24 <sup>th</sup> November 2020
209139 Issue K DA21	Concept Drainage Design Stormwater Disposal Plan	LandTeam Australia	24 <sup>th</sup> November 2020
<b>Reference</b>	<b>Reports</b>	<b>Prepared by</b>	<b>Date</b>
	Arboricultural Impact Assessment Report	Mark Spence	July 2019
2020-180 Version 01	Flora and Fauna Assessment (FFA)	EcoPlanning	9 <sup>th</sup> October 2020
2020-180 Version 01	Vegetation Management Plan (VMP)	EcoPlanning	25 <sup>th</sup> October 2020
17030-A	Access Report	Aust. Access & Building Solutions	November 2020
	Aboriginal Cultural Heritage Due Diligence Investigation	Past Traces Heritage Consultant	5 <sup>th</sup> February 2019
20101	Bushfire Risk Assessment Report	Peterson Bushfire	22 <sup>nd</sup> October 2020

	Revised Traffic Impact Assessment Report	BITZIOS	22 <sup>nd</sup> January 2020
209139 Rev. 3	MUSIC Model Report	LandTeam Australia	November 2020
1100902M_02	Basix Certificates	Stiletto Homes	30 <sup>th</sup> October 2020
HERA10042	NatHERS Certificate	AENEC	30 <sup>th</sup> October 2020
209139	Flood Report	LandTeam Australia	22 <sup>nd</sup> October 2020

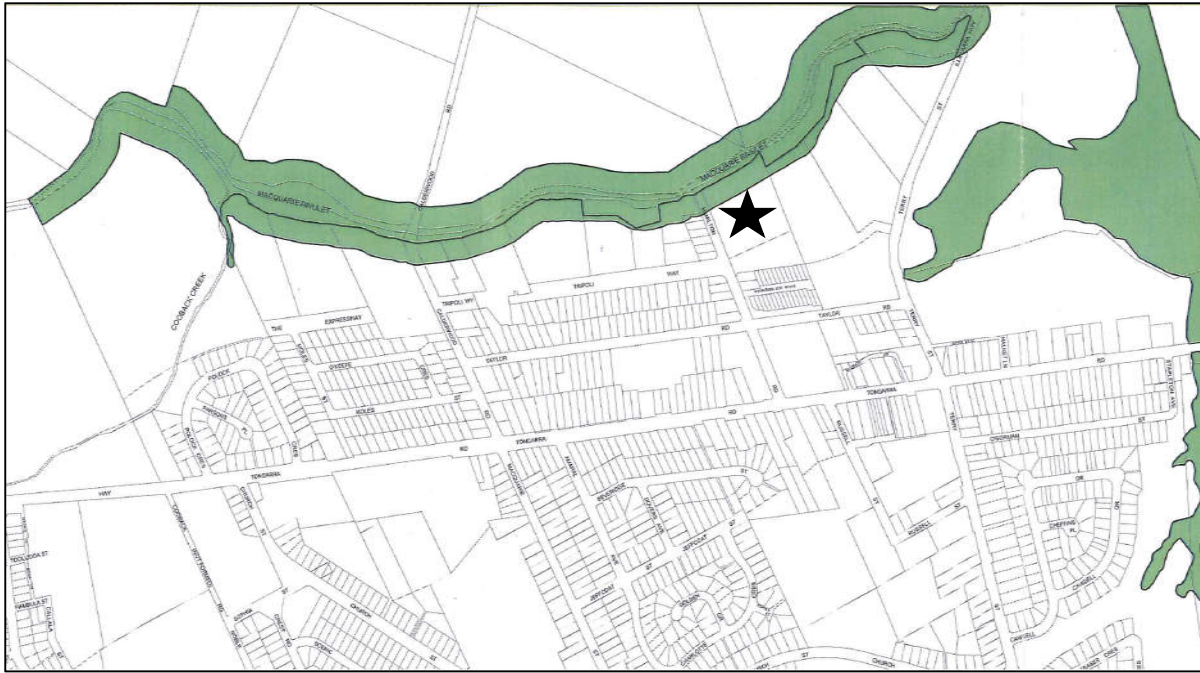
***SEPP (Housing for Seniors or People with a Disability) 2004 Chapter 1 Clause 4 Subclause (6) 'Land to which policy does not apply'***

***(a) Schedule 1 of the SEPP (Housing for Seniors or People with a Disability) 2004:***

A portion of the subject site for the length of the northern property boundary line adjacent to the Macquarie Rivulet is identified as 'Environmentally Sensitive Land' within Sheet BIO\_014 of the SLEP 2013 Terrestrial Biodiversity Map. This mapped extent correlates to the riparian zone of the watercourse and extends northwards and southwards to both banks of the Macquarie Rivulet. The Accredited BC Act Assessor EcoPlanning has conducted a field survey to determine the extent of the riparian area based on NRAR provisions. EcoPlanning have also prepared a VMP relating to the protection and enhancement of the riparian zone in perpetuity. It is noted that the riparian area as identified as EcoPlanning will not be impacted by the proposal at hand.

Schedule 1 of the *SEPP (Housing for Seniors or People with a Disability) 2004* disallows under Chapter 1 Clause 4 Subclause (6) (a) the lodgement of a Site Compatibility Certificate (SCC) Application over land that is identified under Schedule 1 as Environmentally Sensitive Land. Accordingly development for the purposes of seniors living is excluded from that part of the site that is mapped as Environmentally Sensitive land within the SCC application.





*Image 1: Extract from the SLEP 2013 Terrestrial Biodiversity Map Sheet BIO\_014 showing the subject lot part mapped as Environmentally Sensitive Land (green shading).*

### 1.3 The Locality and surrounding land uses

The subject site is located on the northern periphery of the current developed extent of Albion Park and under the Local Government Area administration of Shellharbour City Council. The northern extent of the subject site is bounded by the adjacent Macquarie Rivulet, which in the location flows from a westerly to an easterly direction, commencing from above the Illawarra Escarpment and ultimately draining to Lake Illawarra.

Lands located to the north of the Macquarie Rivulet are used for rural agricultural purposes. These rural land use activities continue up to the Illawarra Regional Airport which is located to the northeast of the subject site and at a distance of approximately 1km. The western shore of Lake Illawarra is situated at approximately 2.7kms to the north east of the subject site.



*Image 2: Aerial overview of Albion Park with the subject site highlighted. (Source Six Maps).*

The Albion Park Retail and Commercial Core Area is located to the south of the subject site and centres about Tongarra Road. Whilst some services are available within a 400m pedestrian distance from the subject site, generally the majority of services are considered to be in excess of the 400m pedestrian travel distance identified under Clause 26 (2) (a) of the SEPP SL. In order to comply with the SEPP SL requirements for access to services the developer therefore proposes to accommodate a private transport service (e.g. mini-bus) as part of the development of the site that would transport residents to and from services.

The Albion Park commercial and retail hub and the Stockland's Shellharbour Square complex each offers a wide range of goods and services including medical services in compliance with Clause 26 Subclause (1) of the SEPP. Pedestrian gradients to bus stops in Tongarra Road and mini-bus pick up from the Albion Park RSL are under consideration for compliance with Subclause (3) of Clause 26 of the SEPP SL and an access consultant has been engaged by the developer to confirm gradient compliance and the provision of additional information to be provided to Council in the assessment of DA0675/2020.



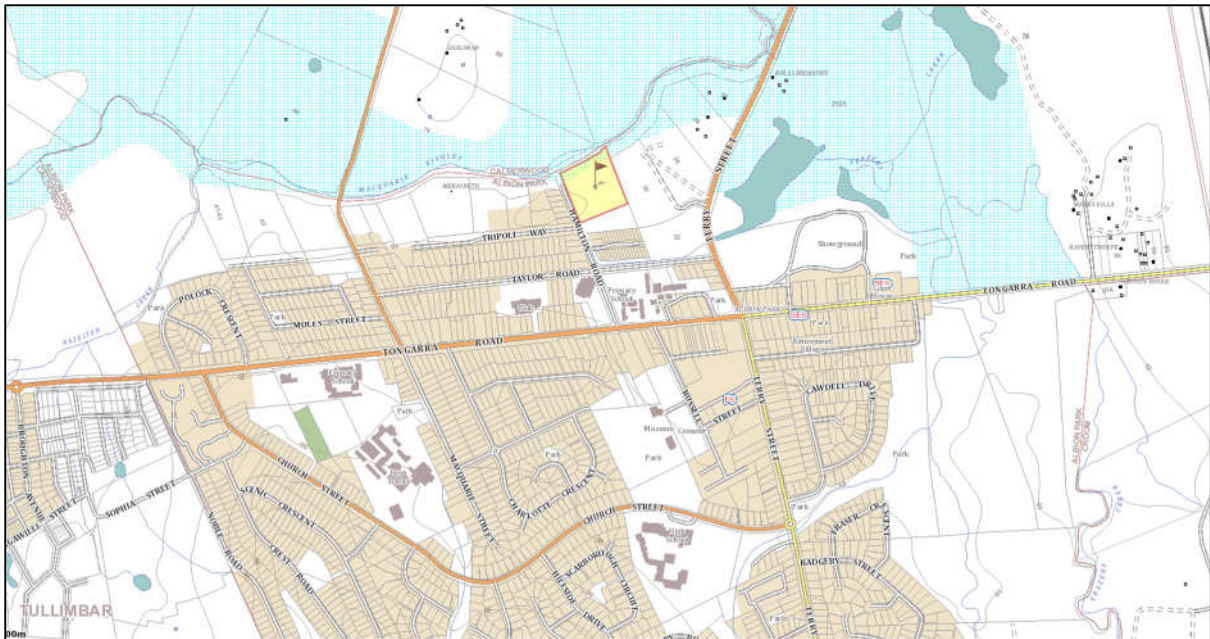


Image 3: Cadastral image overview with the subject site highlighted in yellow. (Source: Six Maps)



Image 4: Aerial image of the subject site (highlighted in yellow) showing the nearby land use pattern. (Source: Six Maps).

Images 4 and 5 present aerial images that provide an overview of the subject site within the context of the surrounding land uses. Reference to the right of the subject site within the aerial image reveals the presence of a light industrial site identified as a landscape supply yard. This



small business activity has access to the Illawarra Highway via a handle that is part of the planned route of the proposed Albion Park bypass and does not utilise Hamilton Road. Adjacent to the common boundary and within the landscaping activity yard is located an existing screen planting of mature trees. To augment this existing landscape screening it is proposed that the eastern property boundary within the subject site also contain screen hedge plantings to minimise potential land use conflict between the two sites (refer to the accompanying landscape plan prepared by Mark Spence Environmental and Landscape Services which addresses the proposed additional landscape screening). It is anticipated that this action will be sufficient given also that the proposed seniors living dwellings will be separated from the common boundary by the internal access road system.



Image 5: Aerial image of the subject site in relation to adjoining lands. (Source: SCC IntraMaps).

A small residential development is situated to the west of Hamilton Road opposite the subject site proposed to be developed for the purposes of seniors living. The location is described as generally reflecting the character of a semi-rural / residential environment situated at the northern periphery of the developed extent of Albion Park. The presence of the Macquarie Rivulet forms a natural demarcation line between semi-rural and residential land uses to the south of the rivulet and rural farmland activities to the north of the rivulet.

'Mountain View Mews' is a seniors living development that is situated nearby at 35m to the south of the subject site at the intersection of Hamilton Road with Taylor Road. This existing development has access to Hamilton Road via a private access road situated centrally within the development.

Situated between the subject site and the Mountain View Mews seniors living development sits an irregular parcel of land that is identified as Lot 1 in DP 1119325. This lot is undeveloped land and contains a quantity of grassland and trees. It is part zoned RU6 Transition and part

zoned SP2 Special Uses 'Local Road' (southern portion). The latter zoning is reflective of Council's strategic objective for Tripoli Way to ultimately connect with Terry Street / The Illawarra Highway to the east of the subject site. Consultation with Council undertaken by the traffic consultant engaged by the developer suggests that at present there is no specific time line for the development of the proposed bypass to commence. The applicant is currently engaged in discussion with Council staff regarding design information for the proposed bypass that may assist in arriving at a satisfactory integration of the bypass and surrounding local road treatment and the proposed seniors living development.

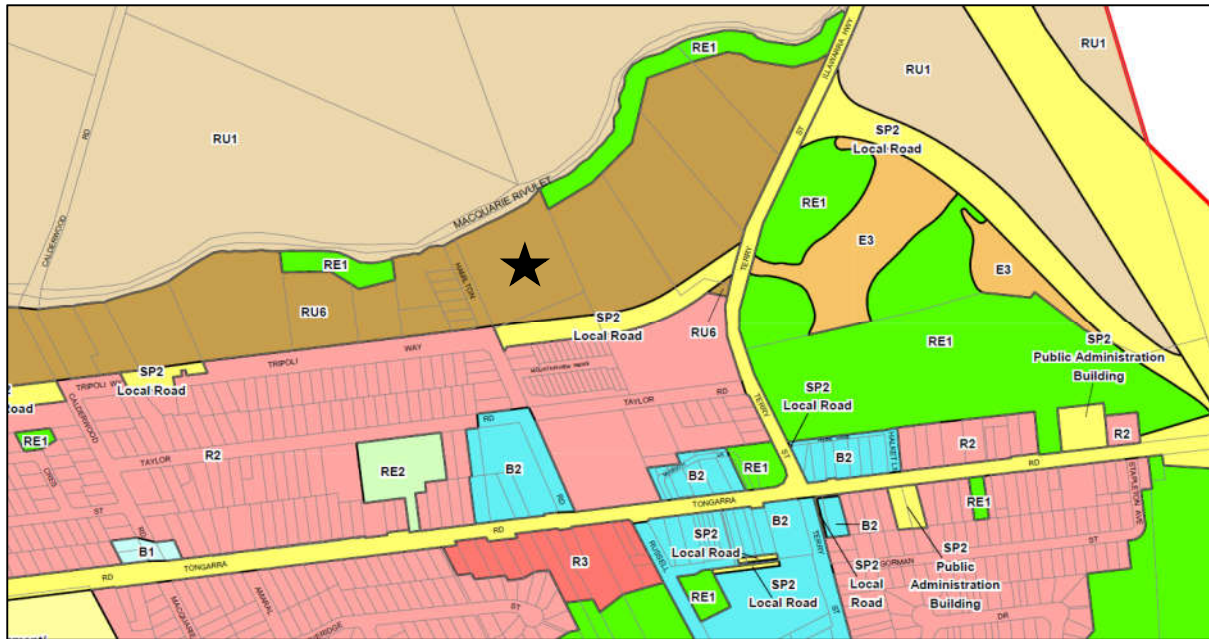


*Image 6: Aerial image of the subject site No. 14 Hamilton Road, Albion Park (Source: Six Maps).*

## 1.4 The subject site

The subject property is legally identified as Lot 1 in DP 1069961, Parish of Jamberoo County of Camden. It has the street address identity of No. 14 Hamilton Road, Albion Park and a site area of approximately 1.94 hectares. The area of the site that is proposed to be developed for the purposes of Seniors Living is approximately 1.46 hectares and excludes a northern portion with an area of approximately 4,800m<sup>2</sup> that is identified under the *SLEP 2013* Terrestrial Biodiversity Mapping as 'Environmentally Sensitive Land'. The subject property is zoned RU6 Transition under the *SLEP 2013* wherein a minimum subdivision lot size of 3 hectares is the applicable development standard (Map Reference LSZ\_014) .





*Image 7: SLEP 2013 Land Use Zoning Map extract showing the subject site zoned RU6 Transition.*

The site is of a regular configuration and almost square in shape, with the exception of a departure along the northern property boundary as an outcome of the boundary being defined by proximity to the Macquarie Rivulet. The site is considered to be generally level throughout, with the exception of the northernmost part of the site where the land falls abruptly to the bed of the Macquarie Rivulet. A dwelling is located approximately centrally within the site and other structures in the vicinity of the dwelling include a garage building and a shed. All structures are proposed to be demolished as part of the proposed redevelopment of the land. Existing landscaping embellishments comprise a quantity of trees of both exotic and native species origin that are arrayed about the curtilage area of the buildings.

The proposed development triggers the need for an approval from the consent authority to remove a quantity of trees and therefore an arborist has been engaged to survey trees that are proposed to be removed and to undertake an assessment.

The outcome of this investigation is that no trees are identified by the arborist as being of a level of significance that would warrant a recommendation for retention. As part of the redevelopment of the land it is proposed that landscaping of the site be undertaken and it is envisaged that the outcome of the proposed development would be a net environmental gain in terms of both quantity and quality of vegetation. The riparian corridor of the Macquarie Rivulet forms the northern boundary of the site and native vegetation within this riparian area will not be affected by the proposed development of the remaining part of the site that is not mapped as Environmentally Sensitive Land.



*Image 8: General overview of the subject site looking eastwards from a vantage point adjacent to and to the south of the existing dwelling.*



*Image 9: General overview of the subject site looking southeast towards an existing Seniors Living development that is located at the intersection of Taylor Road with Hamilton Road.*



Town water, sewer and electricity are presently accessible to the dwelling that is located within the subject site. These existing services are proposed to be upgraded and extended as necessary to service the proposed redevelopment of the site. In terms of access, the site enjoys direct road frontage to Hamilton Road, which is a sealed local road that terminates at a cul-de-sac head at its northernmost end. Road upgrading to include kerb and guttering and a pedestrian footpath are to be anticipated as standard Council requirements should DA consent to the development ensue.

Drainage infrastructure within Hamilton Road along the eastern road reserve and to the north of the intersection with Tripoli Way is at present informal, consisting of a grassed verge that runs parallel and adjacent to the sealed part of the roadway. Formal kerb and gutter is located on the opposite, western shoulder of Hamilton Road to which existing residential dwellings have frontage. Stormwater runoff that is collected within Hamilton Road is transported northwards to a pit at the apex of the cul-de-sac head. Stormwater is afterwards piped to a headwall discharge point that is located within the riparian corridor and from this location stormwater discharges to the adjacent Macquarie Rivulet.



*Image 10: Riparian vegetation for the length of the northern property boundary line consists of a mix of native tree canopy cover and understorey vegetation with invasive weeds at the margins.*





*Image 11: Existing dwelling and associated sheds, Colourbond fencing and landscape trees.*



*Image 12: Hamilton Road cul-de-sac head looking south. Adjacent residential developments are located within the right hand side of the image and the subject property is located to the left.*





*Image 13: View looking north into the Hamilton Street cul-de-sac head which terminates at the Macquarie Rivulet riparian corridor. The subject property is located to the right of this image.*



*Image 14: Adjacent low density residential developments located opposite and to the west of the subject site on Hamilton Road. The subject property is located to the left of this image.*

## 1.5 Agricultural capability

The subject property maintains a site area of 1.947 Hectares, of which approximately 0.48 ha is considered to be riparian land. The remaining site area of 1.46 ha is not considered to represent a sufficient area that could be considered as viable agricultural land. Surrounding land uses include urban, with residential dwellings situated to the west, southwest and south. An industrial land use activity is situated adjacent to the eastern property boundary and identified as Albion Park Landscaping Supplies. To the north and separated from the subject site by the intervening Macquarie Rivulet, the Land Use zoning changes from the RU6 Transition to RU1 Primary Production wherein sustainable farming activities occur.

The Macquarie Rivulet forms a natural interface between the transitional urban/rural interface to the south of the Rivulet and agricultural land activities undertaken to the north of the rivulet. Given the natural buffer that the rivulet defines between the two differing land use activities, the proposed development is not anticipated to have an impact upon viable agricultural land located to the north of the rivulet.

## 1.6 Significant Native Vegetation

The northern property boundary of the subject property is defined by the local meander of the Macquarie Rivulet. The 40m buffer area of the riparian zone of the Macquarie Rivulet extends into the northern part of the subject lot and this area includes native vegetation adjacent to the watercourse. This native vegetation is identified within Council's mapping system as potentially containing an Endangered Ecological Community (EEC) and is not proposed to be disturbed as part of the development.

A Flora and Fauna Assessment (FFA) and Vegetation Management Plan (VMP) have been prepared by the Accredited BC Act Assessor EcoPlanning to accompany a future DA to Council. The ecologist reports concludes that the existing native vegetation to the south embankment of the Macquarie Rivulet is highly degraded by weed incursion and makes recommendations for an improved ecological outcome from the development of the land through weed suppression and revegetation with endemic species.

## 1.7 Open Space

Development of the site for residential purposes will not remove or restrict public access to any public open space and the proposed development for seniors living will not generate any need for any additional open space under the terms of the SEPP.

## 1.8 Bulk and Scale

The development of the site for the purposes of serviced self-care seniors living is proposed to be in all respects compliant with the site density controls set out under Chapter 3 Part 7

Division 4 Clause 50 of the SEPP SL. These controls include a maximum FSR of 0.5:1 and it is proposed that this density be applied to the proposed development. Conceptually all dwellings will be of single storey and of less than 8m in maximum roof height and of detached building type.

## 1.9 Flood affectation

A minor portion of the northern part of the subject property is identified within Council's Flood Mapping as being affected by the PMF for flood risk as a result of proximity to the Macquarie Rivulet and this part of the site is proposed to be a riparian buffer zone. The approximately 1.46 hectare remaining area proposed to be developed for the purposes of seniors living is located outside of the mapped extent for flood affectation.

As the portion of the site that is proposed to be developed for seniors living housing would not be subject to inundation in either the 1:100 or PMF events, it is proposed that rather than evacuation of the site during the flood event that the safety of residents would be best served by their remaining in place until floodwaters recede and the surrounding road network becomes safe.

This opinion is supported by the facts:-

- That the development is proposed for senior aged residents that are able to meet the classification of self-care living and therefore not requiring a high level of support (e.g. as differentiated from the high level of support that would apply to residents of a nursing home facility). Dwellings within the site as proposed would all be self-contained and therefore able to support occupancy for the duration of anticipated flood events.
- The Shellharbour City Council Development Control Plan supports this view as the DCP allows evacuation to an area of 20m<sup>2</sup> or greater within the dwelling (which is above the PMF level). In the case at hand the whole of each dwelling is above the PMF level.

It is a view of LandTeam based upon the Flood Report and the above information that the safest option for residents is to stay in place rather than attempt to evacuate in the event of a major flood event (a stance that is supported by Council in its DCP). Reference should be made to the Flood Report prepared by LandTeam that is an accompaniment to the SCC for details of modelled flood behaviour in the location.

## 1.10 Access to services and facilities

The subject site is located at the northern periphery of Albion Park. Tongarra Road is situated to the south wherein a variety of services are readily available. The linear distance to Tongarra Road from the subject site is approximately 285m, whilst pedestrian travel distance to the intersection of Hamilton Road with Tongarra Road is approximately 360m. The Tongarra Road commercial and retail sector extends generally eastwards from the intersection of



Tongarra Road with Terry Street and thenceforth southwards along Terry Street to Russell Lane.

These services are generally at distances of in excess of a 400m pedestrian travel journey and therefore reliance for compliance with the SEPP rests upon access via compliant gradient footpaths and the provision of a private resident transport service to and from services. Such matters are currently the subject ongoing consultation between as part of Council's in the assessment of the concurrent DA 0675/2020 (noting that Council appear favourable to the use of a private mini-bus to be managed under the terms of the Service Agreement).



*Image 15: Active commercial and retail street frontage within Tongarra Road – Highlighted a 210m section between Russell Street to the east and Terry Street to the west (Source: Six Maps).*

The Tongarra Road retail and commercial superblock that is bounded by Terry Street to the east, Russell Street to the west, Tongarra Road to the north and Russell Lane to the south contains a Woolworths Supermarket and associated variety stores. The shopping centre complex includes access to a number of Automated Teller Machines and bank service providers (Horizon Credit Union and IMB identified).

At the Tongarra Road shops fronting Tongarra Road between Terry Street and Russell Street both Commonwealth and ANZ Bank branches are located, as is Blooms the Chemist and the New Albion Medical Centre. Whilst it is acknowledged that many of the above listed services are located at pedestrian distances that are in excess of 400m distant from the subject site, all facilities mentioned are accessible via Premier Bus Line, private recreation club bus (e.g.:

Albion Park RSL Memorial Club and Albion Park Bowling and Recreation Club) and also by local taxi cab service.

Local goods and services and medical facilities within Tongarra Road between Hamilton Road and Terry Street (tenancies current as of 2018) and community facilities within a 1km radius are identified within the following table:

<b>Shops, service providers, retail and commercial facilities</b>
<b>Northern road frontage to Tongarra Road</b>
Accountancy firm - 154 Tongarra Rd, Albion Park
Take-away food premises (Chicken shop) – 154 Tongarra Rd, Albion Park
Hairdressing salon / Beautician - 1/152 Tongarra Rd, Albion Park
Take-away food premises (Pizza shop) – 150 Tongarra Rd, Albion Park
Laundromat - 2/150 Tongarra Rd, Albion Park
Restaurant – 3/148 Tongarra Rd, Albion Park
Real estate agency – 148A Tongarra Rd, Albion Park
Hairdressing salon – 2/146 Tongarra Rd, Albion Park
Pathology clinic - 5/146 Tongarra Rd, Albion Park
Dental Clinic - 146 Tongarra Rd, Albion Park
Beautician – 8/146 Tongarra Rd, Albion Park
ANZ Bank branch office - 144 Tongarra Rd, Albion Park
<b>Southern road frontage to Tongarra Road</b>
Restaurant (Pizza Hut) – 173 Tongarra Rd, Albion Park
Salvation Army - 169 Tongarra Rd, Albion Park
Chemist – 167 Tongarra Rd, Albion Park
Liquor shop – 165 Tongarra Rd, Albion Park
Hairdressing salon - 163 Tongarra Rd, Albion Park
Bakery – 161 Tongarra Rd, Albion Park

Newsagency – 159 Tongarra Rd, Albion Park
Butcher shop – 157 Tongarra Rd, Albion Park
Optometrist – 157 Tongarra Rd, Albion Park
Auto accessories shop – 155 Tongarra Rd, Albion Park
Commonwealth Bank branch office - 151 Tongarra Rd, Albion Park
Accountancy firm - 149 Tongarra Rd, Albion Park
Travel agency - 149 Tongarra Rd, Albion Park
Delicatessen - 149 Tongarra Rd, Albion Park
Café – 149 Tongarra Rd, Albion Park
KFC restaurant – 145 -147 Tongarra Rd, Albion Park
Albion Park Hotel – 143 Tongarra Rd, Albion Park
<b>Community services and recreational facilities (Albion Park)</b>
Albion Park Community Centre – Russell Street, Albion Park
Albion Park Public Library – Russel Street, Albion Park
Albion Park Post Office – 133 Tongarra Rd, Albion Park
L R Mood Park (community land) – 140 Tongarra Rd, Albion Park
<b>Local Medical Facilities</b>
New Albion Medical Centre - 171-173 Tongarra Rd, Albion Park
Tongarra Medical Services - 175 – 177 Tongarra Rd, Albion Park
Southern IML Pathology - 146 Tongarra Rd, Albion Park
Albion Park Physiotherapy - 4 Russel Street, Albion Park
Albion Park Podiatry - 1/171 Tongarra Rd, Albion Park
Albion Park Dental - 3/152 Tongarra Rd, Albion Park

## 2. The Proposal

### 2.1 A retirement village comprising thirty nine (39) serviced self-care dwellings including a private road and landscaping:

The total site area of the subject land Lot 1 in DP 1069961 is approximately 1.94 hectares. The proportion of the site that is proposed to be developed for the purposes of Seniors Living equates to an area of approximately 1.46 hectares and excludes approximately 0.48 hectares within the northern part of the site that is mapped under the *SLEP 2013* as 'Environmentally Sensitive Land'. The mapped extent of this area generally corresponds with the 40m wide riparian corridor of the Macquarie Rivulet.

The proposed development calls for the demolition of the existing dwelling and associated detached garage and shed buildings and for the removal of a quantity of trees. These works would be followed by the construction of the proposed seniors living development over part of the subject lot. In general the proposed development would entail thirty nine (39) serviced self-care dwellings, an internal access road, a fire access trail within the north of the site, landscape embellishments throughout and a riparian buffer zone.

Subject to Council consent it is proposed that the development include a Community Title subdivision that would result in each dwelling being located within an individual Community Title allotment. The proposed Community Title arrangement would also spell out the terms for the provision of private transport to and from services and community facilities. A private access roadway and a riparian buffer zone to be enhanced by a vegetation management plan are proposed within the development and the application of a community title subdivision and the associated terms included in a community management statement would provide the ideal platform to ensure the ongoing maintenance and upkeep of the community facilities and operation of the servicing of the development.

In order to meet the servicing requirements of the SEPP for the proposed self-care dwellings, a service agreement has been entered into between the developer of the land and South Coast Home Health Care Pty Ltd (SCHHC), an accredited care provider based in Warilla. SCHHC currently provides care services to a number of seniors living developments within the local area. A copy of the service agreement is included as **Attachment A** to this report.

### 2.2 Development Concept:

The project is envisaged as a retirement village that is to be operated in accordance with the terms of the *Retirement Villages Act 1999*. The development would therefore be restricted to occupation by seniors 55 years and over in accordance with Chapter 3 Part 1 Clause 18 of



the SEPP SL. It is the intent to achieve an overall floor space ratio of 0.5:1 and for the proposed development to be in all respects guided by the controls for self-contained dwellings detailed under Chapter 3 Part 7 Division 4 Clause 50 of the SEPP SL.

Whilst acknowledged that the ultimate number of proposed dwellings would be subject to a future assessment by Council, the SCC application seeks a conceptual approval based upon the enclosed plans for a site density of thirty nine (39) dwellings. A Community Title subdivision of the land and a Community Management Plan is proposed as allowed under Chapter 3, Part 1, Section 21 of the SEPP SL, subject to the approval of Council via the DA assessment process.

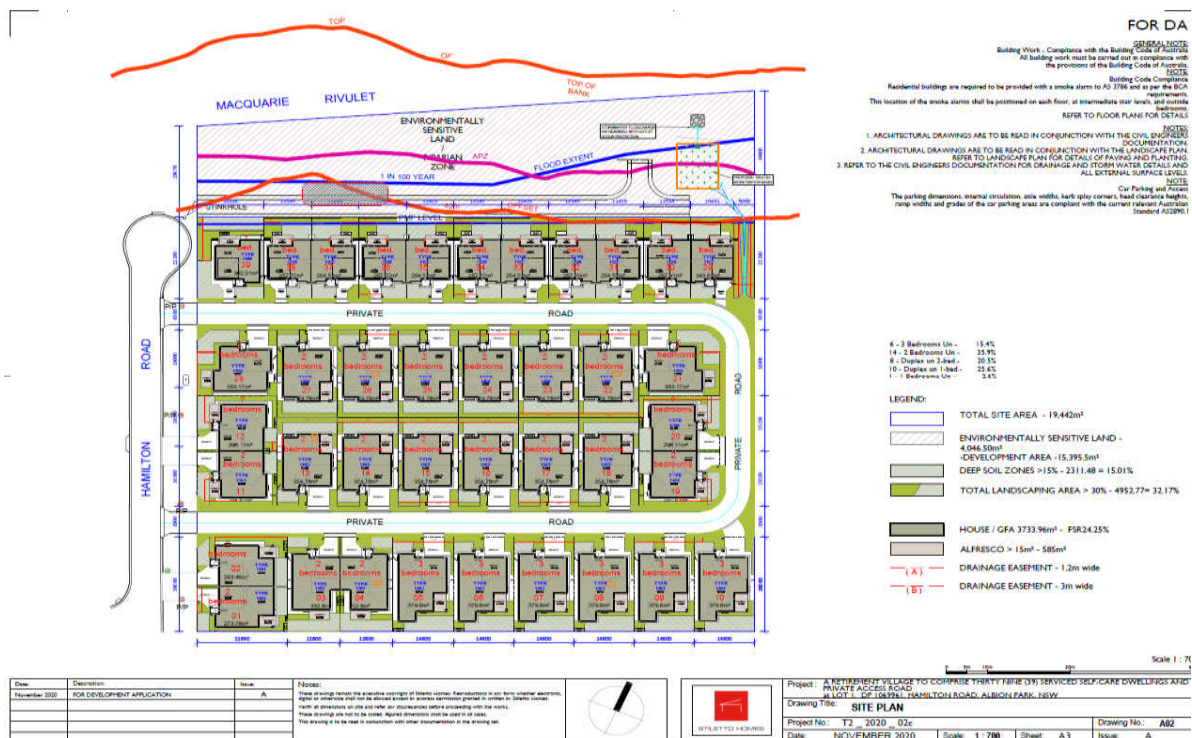


Image 16: Extract of Site Plan Dwg. No. A02 Issue A dated November 2020 as prepared by Stiletto Homes.

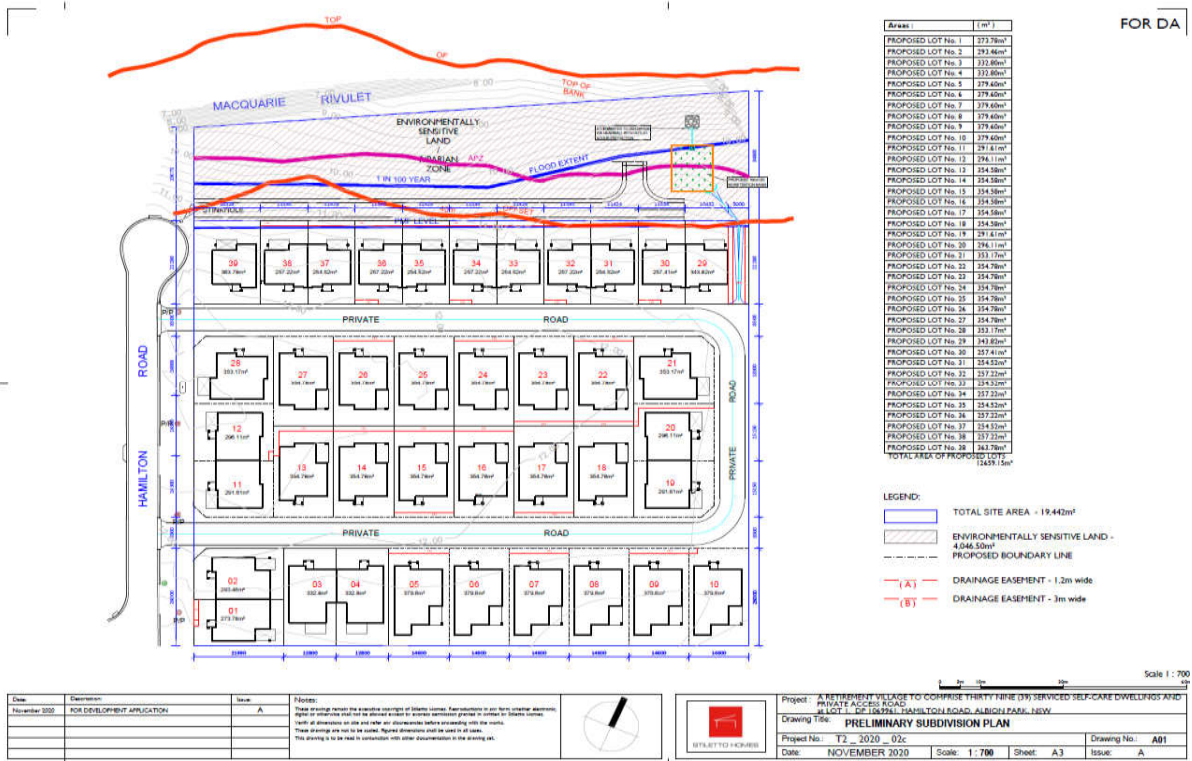


Image 17: Extract of Preliminary Subdivision Plan Dwg. No. A01 Issue A dated November 2020 as prepared by Stiletto Homes.

## 2.3 Traffic and access provision

A private internal access road is proposed to be constructed to connect with Hamilton Road at two locations. The private road would provide a direct vehicular access to all proposed dwellings and allow weekly kerbside collection of garbage and recycling by a private contractor. The SCC application is supported by a Traffic Impact Study that has been prepared by the traffic consultant BITZIOS and should be referred to for additional details pertaining to traffic, access and a comment upon the proposed future Albion Park bypass.

# 3. Strategic Justification

## 3.1 Relationship with Regional and Local strategies:

### *Illawarra Shoalhaven Regional Plan:*

The Illawarra Shoalhaven Regional Plan introduces four stated goals within the document preamble. Stated Goal No. 2 *'A variety of housing choices with homes that meet needs and lifestyles'* has relevance to the proposed development and is described within Regional Plan in the following terms –

*'Providing housing choice to meet the community's needs into the future, in locations that can sustain housing is a key objective of this plan.'*

### *Response:*

The proposed development is considered as consistent with Goal No. 2 of the Regional Plan in providing for additional housing choice for seniors 55 years and over. The proposal is receptive to the needs of an aging population and in particular proposes to cater towards a growing transitional sector of the aging community where down-sizing from current living arrangements may be desired, however significant assistance in living arrangements is not required.

The location is considered suitable for seniors living as it has ready access to a range of goods and services available locally within the Tongarra Road / Terry Street Albion Park retail and commercial precinct as well as regular bus services to and from the Stockland's Retail Centre in Shellharbour Square.

## 3.2 Public interest reasons for seniors living within the locality

Albion Park is defined as a Major Town under the Dept. of Planning *Regional Strategy (2006 – 2031)*. According to the Dept. of Planning and Environment NSW *State and Local Government Area Population projections* Albion Park had a population of 66,200 in 2011 with a projection of 71,150 persons for 2016 and increasing to 90,500 forecast by 2036. This represents an increase in population of 36% over the projected time period and a significant proportion of this estimate will include older persons and people with a disability in line with the National overall aging population demographic.

A 2009 *Survey of Disability, Aging and Carers* prepared by the ABS revealed 18.5% of the National population (4 million persons) responding to the survey as having a disability. The Shellharbour DCP (Version 2 as Amended 6 July 2016) refers to a projected 70% increase in the number of older persons with a disability over the coming 30 year period. Concurrent to the SCC application the applicant has lodged DA0675/2020 that is currently under assessment

by Shellharbour City Council. Of relevance to the matter of public interest, feedback in a meeting with Council staff conducted on Friday 9<sup>th</sup> April 2021 reveals that Council is in receipt of submissions that are supportive of the proposed development.

Given these trends, there is a strong public interest reason for the promotion of seniors living, with the Albion Park area considered as a strong candidate to accommodate an increase in aged care provision, given the proximity of the Albion Park Retail Centre (8,806m<sup>2</sup> of leasable retail area – 2008 figures) that is bounded by Tongarra Road, Terry Street and Russell Street and Russell Lane as described elsewhere within this report. Significant community facilities located within a radius of 800m of the subject site include the Albion Park Community Health Centre, Albion Park Public Library and the Albion Park Community Centre. Social facilities include the Albion Park RSL and the Albion Park Bowling Club, both located to Tongarra Road.

Existing Seniors Living Developments and social activity facilities found within the locality are indicative of demand within the local community. An aging population will see an increasing demand over time for seniors housing and community facilities within the locality.

Of relevance, Chapter 3.3 'Suburb Level Trends' of the Shellharbour City Council 'Open Space, Recreation and Community Facilities Needs Study (March 2010) on page 15 contains the following observations:

*'The Albion Park suburb shows a generally stable population, which will remain unchanged through to 2021. The population is generally aging, though still maintaining a historically high proportion of younger residents (0-19 year olds at 32.4% a reduction of 2.5%). While the relative proportions of dwelling type (low and medium density) will remain unchanged, steady growth of dwelling numbers will offset lower average household size to maintain a steady overall population. Albion Park will remain the most populous suburb in the LGA'.*

### 3.3 Adequacy of services and infrastructure to meet demand

Existing service infrastructure consisting of water and sewer and drainage is available within the locality of the proposed development site. Services will be extended into the site so as to service all proposed dwellings. Electricity and communications are available to the site and delivery will be upgraded as required following consideration by Council of an ensuing Development Application and a potential consent issuance.

## 4. Council Consultation

An initial pre-lodgement meeting was conducted with Shellharbour City Council on the 24th May 2017 and a follow-up pre-lodgement meeting conducted on the 6<sup>th</sup> October 2018. Matters raised by Council at these times were a consideration in the assessment of the SCC approval granted 12<sup>th</sup> June 2018 (since expired) and the currently in place SCC approval granted 27<sup>th</sup> May 2020.

Subsequent to these pre-lodgement discussions DA0675/2020 was lodged with Council on 22<sup>nd</sup> December 2020 calling for Council's consideration for a thirty nine (39) self-care seniors living development.

Council in review of the development application mentioned above has requested additional information. It is evident from communication and a meeting with Council staff in relation to the additional information request that the applicant is being well encouraged to provide further commentary and clarity on various factors of the proposed development. It was at this meeting that Council advised they had received positive feedback submissions from the public exhibition period.

Council, in subsequent information requests has advised the applicant that in order to consider the proposed thirty nine (39) dwelling development that a new SCC approval is required to be in place thus leading to the preparation of the current SCC application.

## 5. Conclusion

Prior assessment of existing Site Compatibility Certificates issued for the subject land have determined that a seniors living development has merit and is worthy of support subject to an assessment by Council in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The current SCC application has been prepared in response to the need to obtain consistency between SCC approval and DA0675/2020 for thirty nine (39) self-care seniors living dwellings that is currently under assessment by Shellharbour City Council. The preparation of the DA has resulted in a refinement of plans and the provision of additional specialist reports not available at the time of approval of prior SCC applications. It is anticipated by the applicant that the comprehensive nature of the current information available will assist the JRPP in determining the merits of the proposed seniors living development for the local community.

# Attachment A

South Coast Home Health Care service agreement.

## AGREEMENT FOR PROVISION OF CARE SERVICES

BETWEEN: 14 HAMILTON PTY LIMITED (ACN 614 722 093) of 3/121  
Shellharbour Road, Warilla NSW 2528 ("the developer")

AND: SOUTH COAST HOME HEALTH CARE PTY LTD (ABN 93 063 917  
779) of Suite 9, 12-14 George Street, Warilla NSW 2528  
("SCHHC")

### RECITALS:

- A. SCHHC is an accredited care provider with resources to provide health care and assisted living services to disabled and elderly members of the Illawarra community.
- B. 14 Hamilton Pty Limited has a current proposal in for a site compatibility certificate from the Department of Planning for 36 seniors living self-contained dwellings with community facilities and ancillary services at the site comprised in Lot 1, DP 1069961 and known as 14 Hamilton Road, Albion Park.
- C. SCHHC has informed the Developer that it is willing to provide the services listed in the attached schedule to the residents of the Developer's proposed Seniors Estate at the cost of the residents on a user pay basis ("SCHHC Schedule")

### OPERATIVE PARTS:

- 1. SCHHC agrees that in the event that the Developer is successful in obtaining consent from the Council or other consent authority for the Seniors Estate, SCHHC will provide the services listed in the SCHHC Schedule for residents of the Seniors Estate at the then scheduled fees by appointment or on a regular basis as required by the individual residents.
- 2. SCHHC will provide such services as long as they shall be required by the residents of the Seniors Estate or as long as the Seniors Estate shall continue to operate.



3. SCHHC shall devise a servicing management plan in accordance with the requirements of the residents and management of the Seniors Estate which shall stipulate the detailed nature of service to be made available to residents, the times at which the services will be delivered or provided and the costs of those services
4. In addition to the services set out in the SCHHC Schedule (which include personal care and home nursing, and assistance with housework), SCHHC will provide home delivered meals to residents of the Seniors Estate at the then applicable fees.
5. The developer may assign the benefit of this Agreement to the owners of the Community Title Scheme (or such other body as shall represent the proprietors of the Seniors Estate) ("the Owners") as may be established on registration of the Plan of Subdivision for the Seniors Estate and in that event SCHHC acknowledges and agrees that this Agreement shall be novated to the Owners

EXECUTED AS A DEED on *18<sup>th</sup> October* 2017

14 HAMILTON PTY LTD  
(ACN 614 722 093)

By its Director



Oliver Pecoski

Director

SOUTH COAST HOME HEALTH

CARE PTY LTD (ABN 93 063 917 779)

by its Director/Secretary



Glenda Potts

Director/Secretary