

Pre-lodgement Notes

PROPERTY:	Prelodgement Meeting Notes - Development - 10 Victoria Street, Berry - Lot 6 DP 1204186 - additions to seniors housing
FILE REFERENCE:	57989E/1
PROPOSED DEVELOPMENT: (SUMMARY)	Extension to the Arbour Berry – an existing retirement village
MEETING DATE:	6 February 2019
PRESENT:	Council Officers: Nicholas Cavallo – Senior Development Planner Zak Mills – Trainee Town Planner Ryan Buckley – Shoalhaven Water Tanvir Ahmed – Floodplain Engineer Gordon Clark – Strategic Planning Manager
PROPONENT:	Lei Chen James Robinson
ADDRESS FOR MAILING:	Lei.chen@altre.com.au

Meeting Protocol

- Welcome and Introductions.
- Applicant outlines the proposal.
- Applicant identifies matters where guidance is sought.
- Council staff comments on proposal.
- Conclusions/Next Steps.

General Disclaimer/Notes - please read carefully:

Will I get an approval from Council?

These notes should not be construed as a guarantee that consent will be granted. The advice in these notes is not a comprehensive assessment. Additional issues may emerge as a result of a detailed assessment, which will only be made upon receipt of a development application. Council will take into account relevant statutory requirements and merit issues when assessing a proposal as required under the provisions of the *Environmental Planning & Assessment Act 1979*, as amended.

Policy departures, variations to development controls contained in Environmental Planning Instruments

Any departure from 'policy', eg Development Control Plans or a Development Standard must be identified by the applicant and supported in the form of a written statement. The statement must demonstrate that there will be no adverse impacts as a result of the departure. No guarantee is given that a departure from policy will be supported.

In the case of an Environmental Planning Instrument such as the *Shoalhaven Local Environmental Plan 2014*, a formal detailed written request specifically addressing clause 4.6 and the development standard (such as height) must be provided.

How is your application assessed?

Please also be aware that legislation and Council's planning controls are periodically reviewed. A development application will be assessed under the planning controls as they apply at the time of lodgement. In this regard, it is important to check the currency of planning controls when preparing a development application and when lodging an application.

Any zoning advice should ideally be checked by viewing relevant maps and verified by obtaining a Section 149 Certificate.

For more complex proposals, it may be prudent to engage the services of a suitably qualified professional to prepare and lodge a development application.

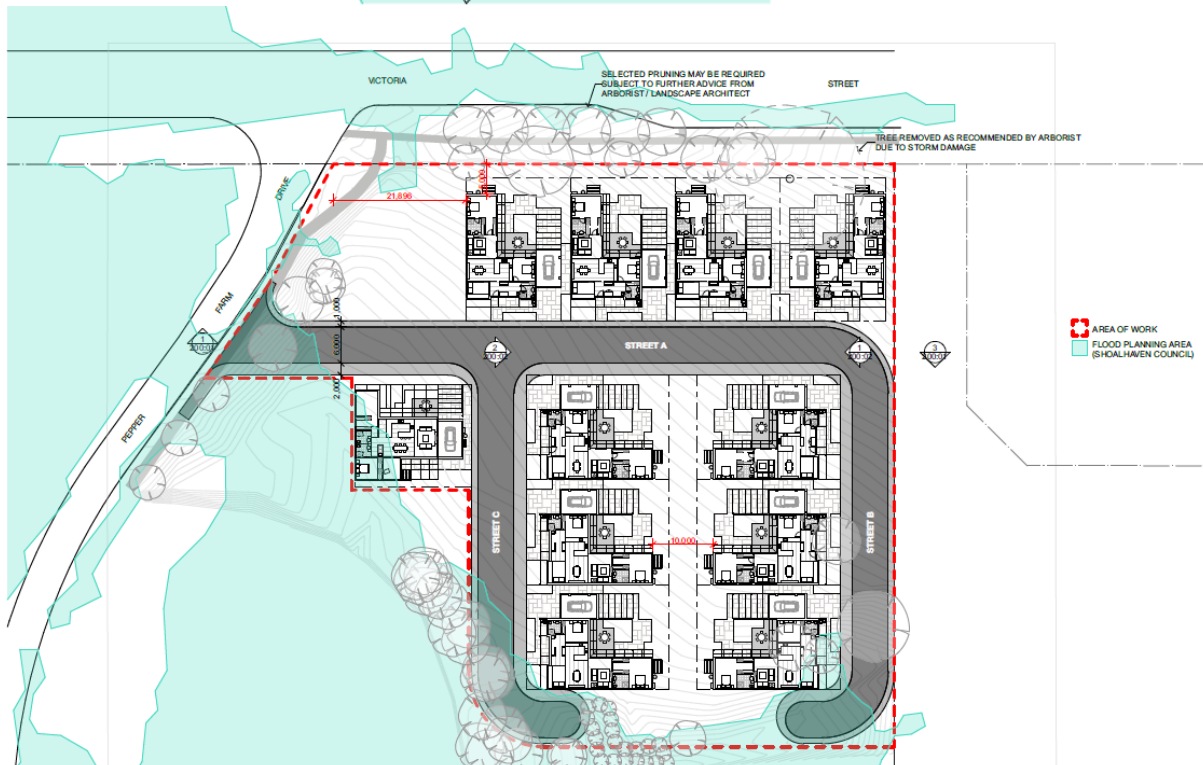
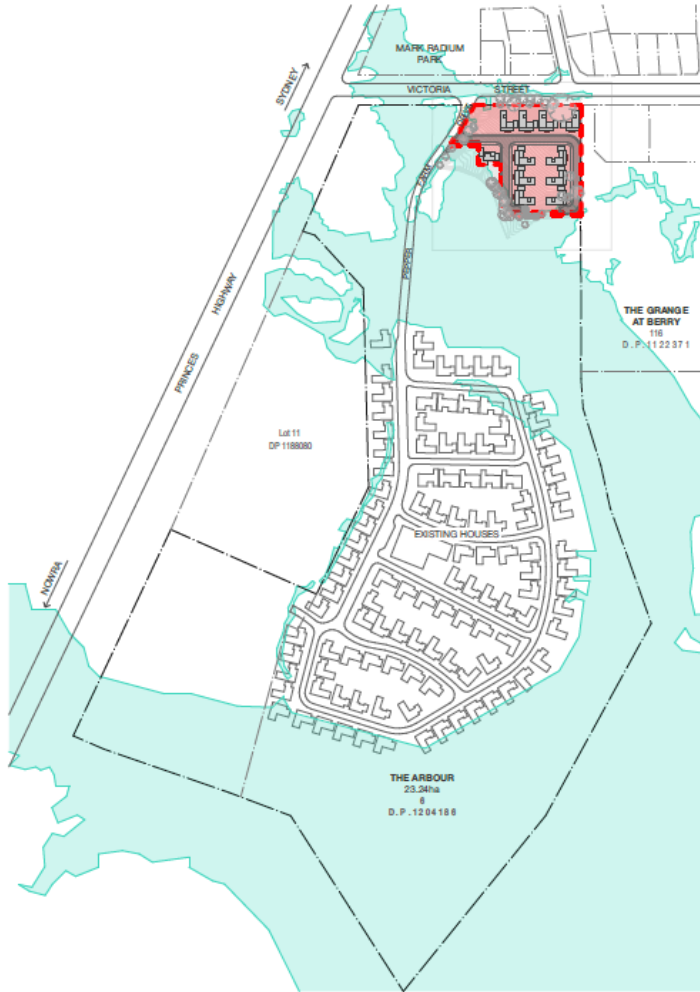
Restrictions on Land Title

This advice is provided without the benefit of a site inspection or title search.

Detailed Description of Proposal

An extension is proposed to the Arbour in Berry, being an existing retirement village comprising 113 independent living units. The extension will comprise of 11 detached independent living units and the provision of associated infrastructure.

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Planning Characterisation

Based on the information submitted and discussions in the meeting the proposed development is best defined as 'seniors housing':

"seniors housing" means a building or place that is:

- (a) a residential care facility, or
 - (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)-(c), and that is, or is intended to be, used permanently for:
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

For the purposes of the SEPP (clause 17) it is understood that the development is 'serviced self-care housing' and to be utilised as a 'retirement village' (within the meaning of the Retirement Villages Act 1999).

The proposed development is prohibited within the zone and as such a Site Compatibility Certificate will have to be sought under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. It is noted that the development is proposed on land that adjoins land zoned primarily for urban purposes.

Applicant's Questions / Points for Discussion

1. Council's expectation on the content of a Site Compatibility Certificate (SCC) application.
2. Are there any other current SCC applications in Shoalhaven Council area.
3. Explore pathway for concurrent DA and SCC application process.
4. Flood management and site servicing strategy.

Council Response

1. The SCC process is managed by the Department of Planning and Environment (DPE) and ultimately determined by the Regional Planning Panel. Accordingly, you will need to contact the DPE regarding the specific information / documentation they require to determine the application. It appears that a cumulative impact study is not required to support the application however this is ultimately determined by the DPE.

Below is a flowchart that maps out the process and the eventual lodgement of a Development Application should the SCC be granted. Speaking generally there appears to be a strong planning argument for further appropriate development of the site to cater for additional seniors housing. The site has been identified for potential further urban expansion under Council's Draft Growth Management Strategy.

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/Site-Compatability-Certificate-Process-Flow-Chart-3-October.pdf?la=en>

2. There are no current SCC applications within the Shoalhaven LGA.
3. The SCC process is administered by the DPE with the application referred to Council for comment during the process. Given the limited input Council has into that process it is reluctant to accept a concurrent SCC and DA application, rather the SCC should be

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issued prior to a DA being lodged with Council consistent with the guiding documents issued by DPE.

4. See comments below regarding the servicing of the development as it pertains to water and sewer. You will have to contact Endeavour Energy regarding the ability of the existing electricity infrastructure to service the site or the requirement for augmentation.

Flooding

The proposed development is partially within the high/low hazard flood way and storage. Any type of filling encroaching into high hazard flood way is not appropriate. If filling / encroachment within the high hazard flood way is unavoidable, then justification is required along with a merit base assessment to meet the objectives and performance criteria mentioned in Section 5.2 of Chapter G9 within the Shoalhaven DCP 2014. Also keep in mind the total acceptable filling of the flood prone land.

The proposed development will require special evacuation. The floor level should be taken as the higher level between the FPL and PMF.

Other controls regarding building components, structural soundness etc. will also be applied based on chapter G9.

Shoalhaven Water Comment

Location:	10 Victoria Street, Berry – Lot 6 DP 1204186 Assessment No. 04070.99700 (See supporting information council reference D18/TBC)
Description:	Additions to the existing facility The Arbour, Berry Additional 11 Detached Independent Living Units (Existing facility currently holds 113 units) Development proposed on previously developed land, operating as an existing commercial facility.
Applicant:	Mbark Pty Ltd C/o Altre Partners Pty Ltd
Lot Consolidation	No
Demolition	N/A
Availability Water	Available (see below) Existing Ø150mm PVC watermain located along eastern verge of West Street. Existing Ø100mm Meter (Location LDW) - _07H701529 Existing Ø20mm Meter (Location LDW) - _07M342636 Existing Ø20mm Meter (Location Fire Service) - _F07B137845
Availability Sewer	Available (see below) Existing sewer manhole AD/1 located along northern (front) boundary of development.

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	<p>Lot currently serviced via a private low pressure sewer main that drains directly to a nearby sewer manhole and gravity system draining directly to the pump station (PS No.5), as per below:</p> <p>Lot 6 – 5A/2</p> <p>(Refer to GIS information provided)</p>
Developer Contributions	<p>All calculations based on information provided via email with included layout plans, and as such have been determined below:</p> <p>No remaining credits due to existing 113 units on lot. Each additional unit is based on standard room layout arrangement.</p> <p>11 x 3 bedroom dwelling = 0.8 ET (per dwelling)</p> <p>It has been determined that each dwelling will be assessed as a self-care unit (similar to retirement village arrangement).</p> <p><i>See over for calculations and rates</i></p> <p>Water:</p> <p>Therefore total loading = 11 x 0.8 ET = 8.8 ET – (0.0 ET credit)</p> <p>Total additional ET = 8.8 ET (credit)</p> <p>Sewer:</p> <p>Therefore total loading = 11 x 0.8 ET = 8.8 ET – (0.0 ET credit)</p> <p>Total additional ET = 8.8 ET (credit)</p> <p>Standard full rates for 1 ET for water is \$6,578.00 and sewer \$8,339.00</p> <p>Application would be entitled to 75% concession in accordance with current Council concession if granted consent before 30 June 2019.</p> <p>Water Supply – 8.8 ET additional loading, However current Council concession of 75% for first 2 ET and then 50% for remainder would apply. Total amount payable is 3.9 ET (2018/19).</p> <p>Amount payable = 3.9 ET = \$25,654.20</p> <p>Sewerage Services – 8.8 ET additional loading, However current Council concession of 75% for first 2 ET and then 50% for remainder would apply. Total amount payable is 3.9 ET (2018/19).</p> <p>Amount payable = 3.9 ET = \$32,522.10</p> <p><i>The applicant is advised that after the 30 June 2019 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i></p>

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Serviceability	<p>Water:</p> <p>Development remains under single ownership, a single large bulk meter may be permitted given appropriate application.</p> <p>The water service and meter for the development shall be sized by a suitably qualified person and is subject to application. Copies of sizing calculations are to be submitted to Shoalhaven Water for assessment & determination.</p> <p>Sewer:</p> <p>If additional units are to be serviced via a modified connection to the existing private sewer rising main the appropriate E-One calculations will be required to show the existing line has adequate capacity prior to entering the existing sewer manhole (5A/2).</p> <p>Otherwise sewer rising main design to be submitted indicating the connection via existing sewer manhole (AD/1) located within Victoria Street (adjacent property also connected via pressure sewer rising main feeding to gravity system directly to PS No.5).</p> <p><i>Sewer infrastructure determined via current approved documentation (GIS)</i></p>
Connection – May require upgrade	<p>New property connection to service the development will be assessed upon application. The water service and meter for the development shall be sized by a suitably qualified person and is subject to application. Copies of sizing calculations are to be submitted to Shoalhaven Water for assessment & determination.</p> <p>Additional fire service/drenchers/fire hose reels may be required due to nature of development as per NSW Fire Service requirements.</p> <p>Additional fire hose reels may be connected to metered service and as a result meter may require to be upgraded. Unmetered fire service/drencher connection to watermain to be installed by Shoalhaven Water.</p>
Building Over/Adjacent to Sewer	<p>Dwellings close to or directly over sewer assets to be considered in correlation with the Building Over Sewer policy (PO16/12). It would appear that no proposed structures will impact on the existing sewer infrastructure located near the development.</p> <p>However, the carpark appears to be located directly over or near the existing sewer manhole 1BL/23 servicing the development. May require adjustment works during construction (application made online a minimum of 4 weeks prior)</p> <p>Where part of the proposed development (proposed buildings/structures, paved areas, planter boxes etc.) are located within the Zone of Influence of, Council's existing sewer main Shoalhaven Water requires concrete encasement (if required) and protection of the sewer main in accordance with Council's Policy</p>

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	For Building Over Sewers (PO16/12). Acceptable protection and cover of assets required across the development ie, access driveways, retaining walls, building etc.
Backflow for non-residential development	N/A for residential development.
Trade waste for non-residential development	N/A for residential development.

Engineering Comments

- Clarify the proposed road width and how it will cater for the expected vehicular loading.
- Any application will need to clarify how ongoing waste will be managed for the development. A waste minimisation and management plan must be submitted that has been prepared in accordance with Chapter G7 of the Shoalhaven DCP 2014 and associated guidelines. Turning path plans must be submitted that details how the largest expected vehicle will manoeuvre within the site.
- A concept stormwater plan will need to be submitted with the application that has been prepared in accordance with chapter G2 of the Shoalhaven DCP 2014.
- Whether visitor parking will be provided for the development noting there is a disconnect between the existing development and facilities within the site.

Planning Comments

The development must be designed in accordance with the design requirements and principles within the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. These may not be strict numerical standards but rather considers the character of the area and retention of the existing amenity afforded to its residents.

You will need to clarify in the Development Application how the development is to connect with the existing development and the existing facilities of the Arbour. Plans submitted with an application should indicate the entirety of the site and the existing community facilities that benefit the proposed extension.

For further information refer to:

[Environmental Planning & Assessment Act](#)

[Environmental Planning and Assessment Regulation](#)

[Shoalhaven Local Environmental Plan 2014](#)

[Shoalhaven Development Control Plan 2014](#)

[Shoalhaven Contributions Plan 2010](#)

[Development Application Information](#)

[Electronic Lodgement Information and Naming Protocols](#)

Important: Naming Protocols apply to all documents for electronic filing and uploading purposes (DA Tracking). Applications are required to be provided in PDF format with all plans and documents to be correctly rotated and of suitable quality to enable referral, electronic stamping and the like.