



Site Compatibility Certificate Application  
**Proposed Seniors Housing**

**The Arbour – Stage 6, 10 Victoria Street, Berry**

**Submitted to the NSW Department of Planning and Environment  
on behalf of Berry Village Retirement Pty Ltd**

**May 2019**

## Document history and status

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**This report has been prepared by:**

**Katherine Sheppard**



PO Box 665, Artarmon NSW 1570

ABN 57 667 710 314

**Phone.** 0413 618 855

**Email.** [katherine@leathwaite.com.au](mailto:katherine@leathwaite.com.au)



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- A. Pre-DA Meeting Minutes issued by Shoalhaven City Council.
- B. Site Survey Plan.
- C. Architectural Plans of the Proposed Development of The Arbour – Stage 6.
- D. Email from Lisa Kennedy, Southern Region Planner, NSW Department of Planning and Environment dated 19 March 2019.
- E. Flood Management and Site Servicing Strategy prepared by Northrop.
- F. Preliminary Contamination Assessment prepared by Geotechnique.
- G. External Noise Intrusion Assessment prepared by Acoustic Dynamics.
- H. Landscape Design Intent Statement prepared by Site Design + Studios.
- I. Traffic Impact Study prepared by GHD.
- J. Tree Impact Assessment prepared by Bradley Hawthorne, Arborist.
- K. Emergency Evacuation Strategy, The Arbour Retirement Village.
- L. The Arbour, Berry – Independent Living Booklet.

## 1 Introduction

### 1.1 Commission

Leathwaite Planning Group (LPG) has been commissioned by Berry Village Retirement Pty Ltd to prepare a Planning Report to accompany an application to the Department of Planning and Environment (The Department) for a Site Compatibility Certificate (SCC). The SCC application relates to land at No. 10 Victoria Street, Berry (herein referred to as the subject site) which is proposed to be developed for the purposes of seniors housing.

This SCC application describes the subject site, its environs and the proposed development concept. In addition, it demonstrates that development for the purposes of seniors housing is compatible with the surrounding environment, having regard to the criteria specified in Clause 25(5)(b) of the Seniors Housing SEPP and the Planning Principle for compatibility as established in *Project Venture Developments Pty Ltd v Pittwater Council (2005) NSWLEC191*. This Planning Report has been prepared to address the provisions of the Department's Site Compatibility Certificate form and is supported by appropriate studies.

### 1.2 Purpose of this Planning Report

This report has been prepared for determination pursuant to Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors). This report demonstrates that the subject site at No. 10 Victoria Street, Berry is compatible with seniors housing development.

Under Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000*, a SCC is required to accompany Development Applications whenever such a certificate is required under a relevant State Environmental Planning Policy (SEPP). If issued, the SCC will accompany a future Development Application (DA) to Shoalhaven City Council (Council) seeking development consent for eleven (11) additional dwellings to be constructed at the existing retirement village, The Arbour, Berry.

### 1.3 Project Team

This SCC application has been prepared by the following team of consultants:

THE PROJECT TEAM	
Architectural	Saturday Studio
Landscape Architect	Site Design + Studios
Project Manager	Altre Partners
Environmental Engineer	Geotechnique
Acoustic Engineer	Acoustic Dynamics
Surveying	Johnson Proctor Surveyors
Town Planning	Leathwaite Planning Group
Consulting Engineer	Northrop
Arborist	Bradley Hawthorne
Traffic Engineer	GHD

Table 1: The Project Team.

## 1.4 Report Structure

This Planning Report is structured in the following manner:

**Section 2** is a **Site Context** and provides a description of the site and surrounding area.

**Section 3** details the **Proposed Seniors Housing Development**.

**Section 4** details the **Statutory Planning Context**.

**Section 5** provides **Strategic Justification** for the issue of a SCC in respect of the site.

**Section 6** is a **Statement of Compatibility**.

**Section 7** is a **Conclusion** and provides recommendations for determination of the SCC application.

## 1.5 Engagement with Relevant Authorities

Together with the consultant team, the Applicant acknowledges the value of early stakeholder consultation. Accordingly, in preparing this SCC application, consideration has been given to feedback received during consultation meetings with Shoalhaven City Council on 6 February 2019 and the NSW Department of Planning and Environment on 15 February 2019. In this regard, the application addresses compatibility with the surrounding built form, the natural constraints and hazards of the subject site and the strategic planning context.

This SCC application provides a comprehensive environmental assessment of the subject site and its surrounding natural and built context together with an analysis of the character of the proposed seniors housing development in order to demonstrate that the site is indeed compatible with the development proposal.

A copy of the pre-DA meeting minutes issued by Council is attached at **Appendix A**.

In addition, email advice was provided by Lisa Kennedy, Southern Region Planner, NSW Department of Planning and Environment to Altre Partners on 19 March 2019 regarding the categories of Environmentally Sensitive Land prescribed in Schedule 1 of SEPP Seniors and the applicability of SEPP Seniors to the subject site.

The Applicant appreciates the willingness of Council and the Department to engage in early consultation and acknowledges their support for the additional proposed seniors housing at the existing retirement village.

## 1.6 Development Consent issued in Respect of the Existing Retirement Village, The Arbour, Berry

Shoalhaven City Council granted operational consent to the development and use of Stages 1, 2, 3, 4 and 5 of the existing retirement village (The Arbour, Berry) which included the construction of 110 self care dwellings, village centre including communal recreation, leisure and health facilities, vehicular access and internal roads and footpaths and landscape work at No. 10 Victoria Street, Berry.

The Notice of Determination was dated 6 November 2006 and took effect on the same date. As the consent was issued in accordance with an earlier version of SEPP Seniors which did not contain provisions relating to SCC's, no SCC has historically been issued in relation to development of the allotment for the purposes of seniors housing.

Council subsequently approved a Section 96 modification application on 10 June 2011 consenting to three (3) additional dwellings, bringing the total on-site housing provision at the existing retirement village to 113 dwellings.

Construction of the approved stages of The Arbour has been completed for a number of years and due to the strong demand from seniors to reside in The Village, the Operator is looking to progress the next stage of development on site. This next phase is referred to as Stage 6 and as noted above, involves the construction of eleven (11) additional self contained dwellings in the north eastern corner of the existing retirement village site.

## **2 Site Context & Analysis**

### **2.1 Location & Description**

The seniors housing proposal relates to the development of part of Lot 6 DP 1204186 which is also known as No. 10 Victoria Street, Berry and is located in the Shoalhaven local government area (refer to the aerial photograph provided at **Figure 1** and the Survey Plan provided at **Appendix B**). Lot 6 DP 1204186 has an area of 15.35 hectares.

The allotment is irregular in shape and is accessed via a driveway entry off the southern side of Victoria Street. The existing retirement village is accessed by Pepper Farm Drive (refer to **Figure 2**).

The subject site (which has an area of 7,309m<sup>2</sup>) is located in the north eastern corner of the allotment and does not currently have any buildings located on it. Contour information provided on the site survey indicates that the site falls towards the southwest from a maximum RL of approximately 12.6m AHD at the northeast corner to a minimum RL of approximately 7.0m AHD at the southwest corner over a distance of approximately 108 metres resulting in an average gentle grade of approximately 5%.

The proposed development area is predominantly covered with grassland and surrounded by perimeter trees.

The subject site is bounded:

- to the north by Victoria Street, which has on its northern side a park zoned RE1 Public Recreation and low density detached dwelling houses zoned R2.
- to the south by the existing retirement village at The Arbour.
- to the east by driveway and pedestrian access to “The Grange at Berry” retirement village and low density detached dwelling houses zoned R2 beyond.
- to the west by Pepper Farm Drive which provides access to The Arbour and to the BUPA aged care facility.

The north western corner of Lot 6 DP 1204186 (which is not contiguous with the area of the site proposed to be developed) adjoins the Princes Highway carriageway.





Figure 1: Aerial Photograph of the Subject Site (Source: Altre Partners)

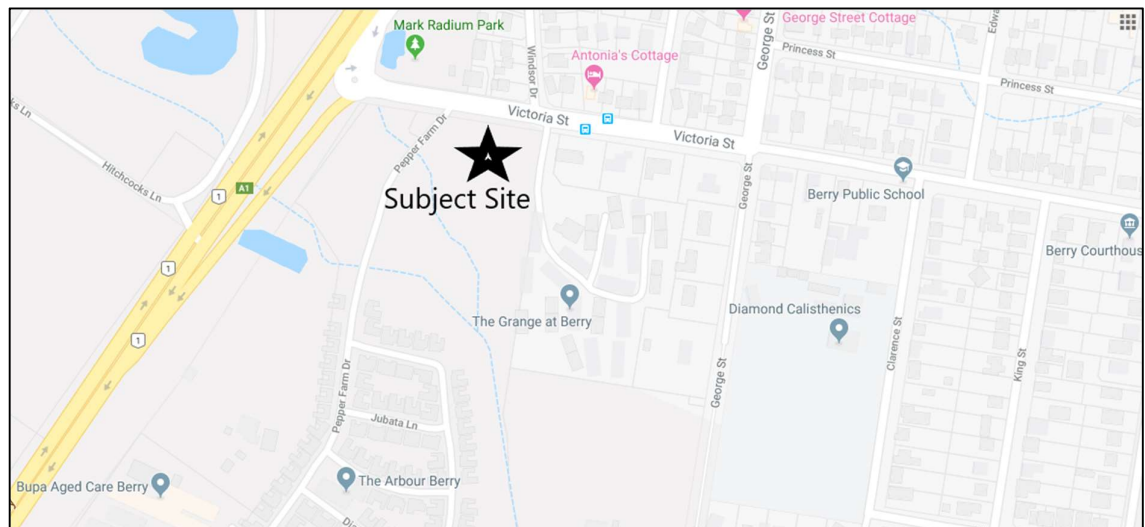


Figure 2: Site Locality Plan (Source: Mapdata @ 2019 Google)

## 2.2 The Arbour, Berry

The Arbour is a multi-award winning low density retirement village comprised of 113 architecturally designed, single level, free standing homes set amongst extensive fully maintained parklands with resort style private facilities.

The first residents moved into The Arbour in 2008 and the Village currently has a substantial waiting list of potential residents as it maintains a 100% occupancy rate.





Figure 3: Aerial Photograph of the Subject Site and Surrounding Development Facing South (Source: Saturday Studio)



Figure 4: Entry to The Arbour with the Subject Site in the Background (Source: Altre Partners)

### 2.3 Surrounding Built Form Context

The free standing residences to the north and east of the site along Victoria Street are predominantly single storey in scale and are generously setback from the road on wide low density residentially zoned allotments. They have been constructed in varying architectural styles and are a mix of contemporary and older dwelling stock.

Victoria Street is a local road with wide landscaped verges.

The eastern boundary of the lot adjoins another retirement village, being The Grange at Berry and the south western corner adjoins the BUPA Berry residential aged care facility which is accessed via Pepper Farm Drive.



Figure 5: Victoria Street Streetscape Facing North East (Source: Altre Partners)





*Figure 6: Victoria Street Streetscape Facing East (Source: Altre Partners)*



*Figure 7: Entrance to The Grange off Victoria Street (Source: Altre Partners)*



Figure 8: Residential Development on the Eastern Side of Victoria Street (Source: Altre Partners)

## 2.4 Heritage Items

Mark Radium Park is located opposite the subject site on the northern side of Victoria Street (refer to **Figure 9**). The Park is listed as a local heritage item (109) in Schedule 5 of Shoalhaven LEP 2014 (refer to **Figure 10**).

Windsor Drive Park which is also in the vicinity of the subject site is another locally listed heritage item (111). **Refer to Figure 10.**



Figure 9: Mark Radium Park (Source: Altre Partners)



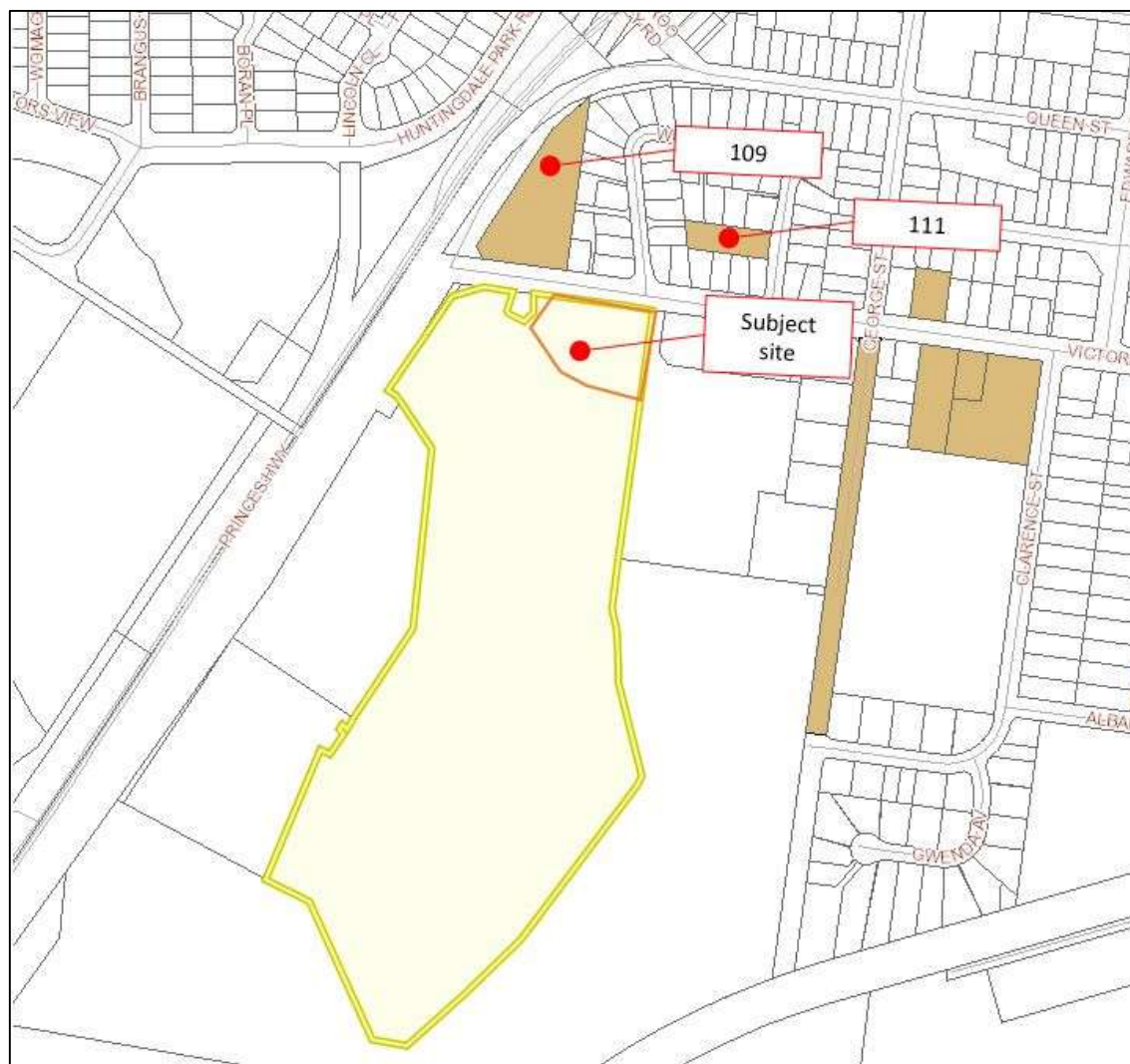


Figure 10: Heritage Mapping Extract – Shoalhaven Local Environmental Plan 2014 (Source: Altre Partners)

## **2.5 Stormwater and Flooding**

Council's online mapping system indicates that part of the subject lot is located within the Broughton Creek Catchment area and is therefore covered by the 'Broughton Creek Floodplain Risk Management Study 2012' and the 'Broughton Creek 1% Flood Extent and Hazard and Hydraulic Categories' prepared by Cardno on behalf of Council.

Shoalhaven City Council's hazard and hydraulic categories map define the flood extent for the 1% Annual Exceedance Probability (AEP) events for existing conditions, predicted conditions in year 2050 and predicted conditions in year 2100.

## **2.6 Demographic Context**

Data compiled from the 2016 Federal Census indicates that more than half the population of Berry is aged over 55 years. The proportion of the population within the older age brackets is projected to continue to grow both as a result of the natural ageing of the incumbent population and due to the influence of 'sea/tree change' retirees relocating to the South Coast region.

In light of the above and based on the strong demand for the type of high quality seniors housing provided at The Arbour, it is evident that there is a clear need to provide additional accommodation options catering to seniors within the Shoalhaven LGA.

## **2.7 Access to Services and Facilities**

The proposed seniors housing will benefit from the use of existing communal recreation and leisure facilities (including the indoor pool, gymnasium, cinema, billiards room, library, lounge and workshop) at The Arbour.

Public transport is readily accessible from the subject site. The bus stop on the Victoria Street frontage of the subject site is serviced by the Route 705 bus. Route 705 is operated by Shoal Bus and connects Nowra with Gerringong via Berry.

Pedestrian access is present in the form of a footpath located along the eastern verge of Pepper Farm Drive, connecting to the footpath on Victoria Street. This footpath on Victoria Street provides pedestrian access to the bus stops on both the northern and southern verges. The footpath on Victoria Street extends to the Berry Showground along the southern verge and a footpath is also available along Edward Street providing pedestrian access to the town centre.

The subject site is approximately 1km on foot from the Berry town centre and 20 minutes by car/bus from Nowra.

In addition to the Route 705 bus, Shoalhaven Community Transport provides door to door transport to assist people maintain an independent lifestyle. Residents are required to register to book the service which is available on demand 7 days per week. The service transports residents to medical appointments in the local area and beyond including Sydney, Wollongong, Canberra and Batemans Bay. The service also provides transport for shopping, visiting family or friends, banking or other business and social activities.



Figure 11: Recreation Facilities at The Arbour (Source: Altre Partners)



Figure 12: The Enclave (Source: Altre Partners)



### 3 Proposed Development

The following section of the report provides a description of the proposed development. Architectural concept drawings illustrating the proposed development have been prepared by Saturday Studio and are included at **Appendix C**.

The proposed concept has been informed and prepared based on a comprehensive constraints and site analysis completed by the consultant team including inputs from flooding, planning, traffic, acoustic, servicing, contamination and arboricultural experts together with feedback received from Council and the Department. In this regard, the site context has been a key influence on the concept design which has aimed to respond to the opportunities provided by the natural and built features of the site and its surrounds.

Specifically, the seniors housing proposal includes the following:

- Expansion of the existing retirement village known as The Arbour involving the construction and occupation of eleven (11) additional single storey independent retirement living dwellings designed to seamlessly integrate with the character of the Village.
- Construction of three (3) new private roads. Vehicular access is proposed via Pepper Farm Drive.
- Associated landscaping and public domain improvements.
- Extension and augmentation of infrastructure, services and utilities as required (including sewer, water, gas, electricity and telecommunication connections) as well as construction of a new stormwater drainage network.

#### 3.1 Design Principles Adopted

The key design principles adopted by Saturday Studio focussed on continuation, context, sustainability and built form and landscape.

##### Continuation

The design success of the Arbour at Berry has been proven now over many years since work began. As the development proposal involves expanding The Arbour, it has been important to continue the themes that have made The Arbour so successful to date. These include:

- Real streets - the private streets within The Arbour are designed as real streets. This means each house has its own letterbox, the street surface is bitumen, there is a concrete kerb and there is significant street planting.
- Garden Commons - there are several Garden Commons throughout the village. These are large heavily landscaped gardens for communal use that sit privately away from the street and between the houses. These gardens are maintained by the Retirement Village operator to a very high standard but are for the shared enjoyment of residents who have a more compact private garden. These Garden Commons enhance the community, offer shared surveillance and are a great place for grandchildren to play and meet others when visiting.
- Solar Orientation has been a key theme throughout the design of The Arbour with living areas that feature large north facing clerestories in addition to each house having living areas and private open space with a northerly orientation. The benefits of good solar access on the well-being of residents and year round use of outdoor space is unparalleled, particularly with regard to seniors housing.

##### Context

The extension to The Arbour has been located to respond to the context of Victoria Street. Importantly the built form has been located adjacent to the other houses in Victoria Street and the landscaped gardens have been maintained opposite Mark Radium Park. The houses will be single level and modest in scale similar to the majority of other dwellings in Victoria Street.

### Sustainability and Built Form

The houses will be constructed with timber frame, dry pressed clay bricks and lightweight cladding. These relatively low embodied energy materials also contribute to a valuable long term carbon storage as they use responsibly harvested timbers. The houses will typically comprise around 125m<sup>2</sup> of internal living area, utilising a modest amount of construction resources and requiring minimal heating and cooling due to the Passive Solar Design and cross ventilation available from the L-shaped plan.

The proposed houses will all be single level with low pitched roofs. The scale will be modest and compatible with the Victoria Street context of largely single level homes.

### Landscape

The houses will sit amongst trees on the Victoria Street frontage that will be dominant in scale over the houses. After the earthworks and minor cut in the north east corner of the site, these large trees will continue to be the dominant feature of the frontage to Victoria Street.

The proposed private streets and Garden Common will be landscaped to a high standard in keeping with the existing character of the Village.

The existing cluster of trees fronting the creek line will be retained.

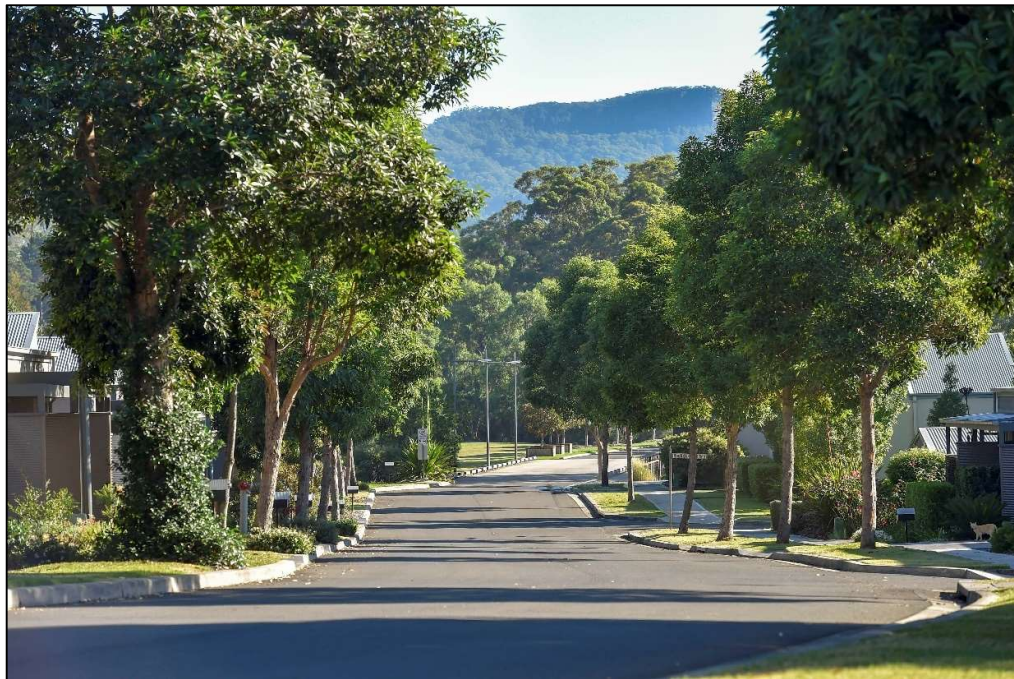


Figure 13: Pepper Farm Drive Vista (Source: Altre Partners)





Figure 14: Landscaped Setting of The Arbour (Source: Altre Partners)



Figure 15: Landscaped Setting of The Arbour (Source: Altre Partners)



Figure 16: Street Frontages at The Arbour (Source: Altre Partners)

## 4 Planning Controls

The following section provides a high level environmental assessment of the seniors housing proposal in respect of the relevant matters for consideration under Section 4.15(1)(a) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The assessment has been included in this report to demonstrate the proposal's compliance with the applicable development standards and planning controls.

A comprehensive environmental assessment will be provided in the Statement of Environmental Effects report prepared to accompany the future Development Application.

### 4.1 Environmental Planning & Assessment Regulation 2000

A Site Compatibility Certificate is required under the provisions of Clause 24(1)(a)(i) of *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004* because the land the subject of the seniors housing development proposal adjoins land zoned for urban purposes.

Under Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000*, a Site Compatibility Certificate is required to accompany development applications whenever such a certificate is required under a relevant State Environmental Planning Policy.



## 4.2 Shoalhaven Local Environmental Plan 2014

Shoalhaven Local Environmental Plan 2014 (SLEP 2014) is the primary local planning instrument controlling development at the subject site. The subject site is zoned RU1 Primary Production, as illustrated in **Figure 17**.

The objectives of the RU1 Primary Production zone are stated as being:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To conserve and maintain productive prime crop and pasture land.*
- *To conserve and maintain the economic potential of the land within this zone for extractive industries.*

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.*

Seniors housing is not prescribed as being permissible with or without consent in the RU1 Primary Production zone and is therefore deemed to be prohibited under SLEP 2014. As such, this seniors housing development is proposed under the provisions of SEPP Seniors.

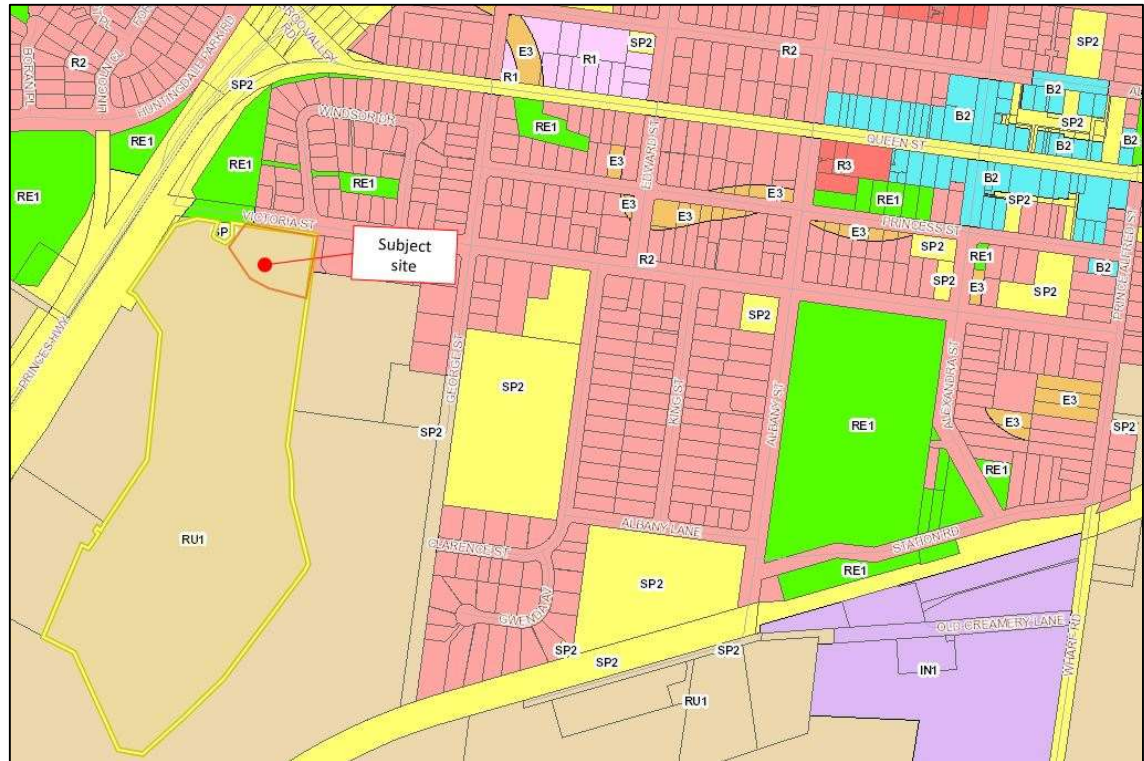


Figure 17: Zoning Extract – Shoalhaven Local Environmental Plan 2014 (Source: Altre Partners)

#### Clause 4.3 – Height of Buildings

In accordance with Clause 4.3(2A), as the Height of Buildings Map does not show a maximum height for the subject site, the height of a building on the land is not to exceed 11 metres.

The proposed dwellings are all single storey in height and will comply with Council's 11 metre maximum building height control.

#### Clause 4.4 – Floor Space Ratio (FSR)

No FSR control is applicable to the subject site.

#### Clause 5.16 - Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

*The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).*

Clause 5.16 applies to land zoned RU1 Primary Production.

Clause 5.16(3) requires that:

*A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes:*

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling.*

Clause 5.16(4) states that the following matters are to be taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

**Comment – Clause 5.16 will apply to Council's assessment of a future Development Application for additional seniors housing at the existing retirement village due to the RU1 zoning of the subject site.**

**Despite the prevailing RU1 zoning, the existing approved use of the lot is for the purposes of a retirement village and the current use is not primary production.**

**Furthermore, the development proposal does not involve any subdivision of land.**

**Having regard for the matters specified at Clause 5.16(4), it is noted that:**

- **The subject site is located on the periphery of Berry, however the existing and approved land uses in the immediate vicinity of the proposed development are largely residential in nature. The area is expected to continue to be characterised in this way.**
- **The lot has recently been developed with a retirement village and adjoins other seniors housing in the form of the BUPA aged care facility and The Grange.**
- **The development area is contiguous with surrounding residential development. Seniors housing is considered to be an appropriate and likely future use of the north eastern corner of the site and is not expected to give rise to potential land use conflicts.**
- **The built form associated with the proposed seniors housing has been designed to be compatible with the low density character of the area.**

#### Clause 7.1 - Acid sulfate soils

The development footprint of the site (including the north eastern corner which is the subject of this seniors housing proposal) is mapped as Class 5 land on Council's Acid sulfate soils mapping. The provisions of Clause 7.1 will not be triggered because the development proposal is not expected to involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

#### Clause 7.2 – Earthworks

*The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

*Development consent is required for earthworks unless:*

- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

*Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

**Comment – The bulk earthworks strategy necessitated by the seniors housing proposal will be detailed in the future DA submission and will be accompanied by information on the erosion and sediment controls proposed to be implemented to mitigate the potential for adverse environmental impacts.**

Clause 7.3 Flood Planning

In February 2019, Council removed the Flood Planning Area mapping from SLEP 2014.

The objectives of Clause 7.3 are:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

Clause 7.3 applies to land at or below the flood planning level.

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and*
- (f) will not affect the safe occupation or evacuation of the land.*



**Comment – The Flood Management Strategy prepared by Northrop (attached at Appendix E) outlines the works required to render the subject site suitable for the proposed seniors housing development and includes the following assessment:**

- The proposed development is not expected to result in any adverse impact on floodwater characteristics.
- Setting the finished floor levels of the proposed development above the PMF levels or 1% AEP + 0.5m, whichever is higher, will prevent any damage or impacts caused by floodwater to building components or structural soundness.
- An emergency evacuation strategy will be prepared at the future detailed design stage which may incorporate the strategies of shelter in place and evacuation.
- Based on the assessment of the latest architectural layout against Council's performance criteria, it is anticipated that no significant issues will be encountered during the detailed design of earthworks and design levels.
- The proposed development will be generally compliant with Shoalhaven City Council DCP Chapter G9: Development on Flood Prone Land.
- The detailed design solution will be developed at the Development Application stage having regard for comments received from Council.

#### Clause 7.6 – Riparian Land and Watercourses

Council's Riparian Lands and Watercourses map shows a Category 2 watercourse and Category 3 watercourse passing through the allotment.

The Category 3 mapped watercourse passes through the south of the property adjacent to the rear boundary of the allotment and south of the existing built form associated with the retirement village.

The Category 2 mapped watercourse traverses the northern third of the property between the existing built form and the proposed development area.

Altre Partners have advised that the proposed development area is located approximately 85 metres from the top of bank of the Category 2 mapped watercourse based on LEP mapping.

As the Category 2 and 3 watercourses do not pass through the proposed development area, nor is the development area located within 50 metres of the top of bank of the mapped watercourses, the provisions of Clause 7.6 will not be applicable to the assessment of the Development Application.

#### Clause 7.11 – Essential Services

The development proposal includes the extension and augmentation of infrastructure, services and utilities as required (including sewer, water, gas, electricity and telecommunication connections). Refer to Section 5 of this report for detailed commentary.

### **4.3 Shoalhaven Development Control Plan 2014**

Shoalhaven Development Control Plan 2014 (SDCP 2014) provides detailed guidance and provisions for the use of land. The controls in SDCP 2014 inform the design and assessment process undertaken in relation to new development.

The chapters relevant to the assessment of the seniors housing development proposal at the future Development Application stage include;

- G1 - Site Analysis, Sustainable Design & Building Materials in Rural, Coastal and Environmental Areas.
- G2 - Sustainable Stormwater Management and Erosion/Sediment Control.
- G3 - Landscaping Design Guidelines.
- G4 - Tree and Vegetation Management.

- G7 - Waste Minimisation and Management Controls.
- G9 - Development on Flood Prone Land.
- G21 - Car Parking and Traffic.

The seniors housing proposal has been designed to comply with the applicable planning controls from the abovementioned DCP chapters. A comprehensive assessment of the development proposal will be provided in the Statement of Environmental Effects report prepared to accompany the Development Application.

#### **4.4 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)**

The proposed development will provide permanent accommodation for seniors in the form of eleven (11) serviced self-care housing dwellings which will increase the overall dwelling yield at The Arbour Retirement Village from 113 (existing) to 124 (proposed).

##### **4.4.1 Is the Proposal Consistent with the Aims of SEPP Seniors?**

###### **Clause 2 – Aims of Policy**

Clause 2(1) of SEPP Seniors states that the Policy aims to encourage the provision of housing that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design.*

The proposal is considered to be consistent with the aims of SEPP Seniors as it will:

- Provide 11 additional independent living dwellings at The Arbour retirement village, increasing the supply and diversity of residences which meet the needs of seniors or people with a disability within the town of Berry and the broader Shoalhaven LGA;
- The subject site is well serviced by transport connections to the shops and local services available in Berry and Nowra. The existing retirement village at The Arbour is also appointed with extensive communal leisure and recreation facilities which will be available to residents of the proposed seniors housing. In this way, the proposal will make efficient use of existing infrastructure and services; and
- The proposed concept is a high-quality architecturally designed extension of The Arbour, with generous single level dwellings that have been designed to maximise the amenity of future residents and to integrate seamlessly with the existing retirement village on the site.

##### **4.4.2 Does SEPP Seniors Apply to the Site? Is the Site Land Adjoining Land Zoned Primarily for Urban Purposes?**

###### **Clause 4 – Land to which Policy applies**

Under Clause 4(1) of SEPP Seniors, the following provisions apply:

*“This policy applies to land within New South Wales that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

*(a) Development for the purposes of any of the following is permitted on the land:*

*(i) Dwelling houses*

*(ii) Residential flat buildings*

*(iii) Hospitals*

*(iv) Development of a kind identified with respect to land zoned as Special Uses ...”*

The site on which the development is proposed to be undertaken is zoned RU1 Primary Production under the provisions of Shoalhaven Local Environmental Plan 2014 (SLEP 2014). In addition, sections of the northern and eastern boundaries of the subject allotment adjoin land zoned R2 Low Density Residential. The R2 zoned land is land zoned primarily for urban purposes.

The R2 zoned land adjoining the subject site includes the allotments on the opposite (northern) side of Victoria Street which have direct vehicular and pedestrian access to Victoria Street and the driveway entry to The Grange which runs parallel to the eastern boundary of the site.

Relevantly, Clause 4(4) notes as follows:

*“For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.”*

The land use table in Part 2 of SLEP 2014 prescribes that dwellings houses are permissible with consent in the RU1 zone.

As the subject site constitutes land adjoining land zoned primarily for urban purposes and is land on which development for the purposes of a dwelling house is permissible with consent, SEPP Seniors is determined to be applicable to the proposal.

#### **4.4.3 Is the Site described in Clause 4(6) of SEPP Seniors and therefore excluded?**

Clause 4(6) prescribes that SEPP Seniors does not apply to:

- (a) land described in Schedule 1 (Environmentally sensitive land), or*
- (b) land (other than land to which Warringah Local Environmental Plan 2000 applies) that is zoned for industrial purposes, or*
- (c) (Repealed)*
- (d) the land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies, or*
- (e) the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies.*

Schedule 1 of SEPP Seniors defines environmentally sensitive land as land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions:

- (a) coastal protection,*
- (b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),*
- (c) critical habitat,*
- (d) environment protection,*
- (e) open space,*
- (f) escarpment,*
- (g) floodway,*
- (h) high flooding hazard,*
- (i) natural hazard,*
- (j) (Repealed)*
- (k) scenic (but not land that is so identified if:*

(i) the land is within a residential zone in which development of two storeys or more in height is permitted, or

(ii) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),

(l) water catchment,

(m) natural wetland.

Land shown cross-hatched on the bush fire evacuation risk map.

None of the descriptions from Schedule 1 apply to the subject site. Clarification and interpretation of the Floodway and High Flooding Hazard descriptions has been supported by correspondence received from the Department of Planning. Email correspondence received from Lisa Kennedy, Southern Region Planner, NSW Department of Planning and Environment dated 19 March 2019 confirmed as follows:

*“As Shoalhaven Council has removed its flood maps from its LEP, the LEP no longer identifies or describes the flood hazard of land.*

*Hence lands affected by flooding across the Shoalhaven are not environmentally sensitive floodway or high flooding hazard land under the SEPP definition.*

*Thus your site is not excluded from the application of the SEPP as environmentally sensitive floodway or high flooding hazard land.”*

A copy of the email advice is attached at **Appendix D**.

While the site is not identified in SLEP 2014 or any other environmental planning instrument as “floodway” or “high flooding hazard”, it is noted that the Council’s local flood study and associated mapping identifies part of the subject allotment as “High Hazard Floodway” and “Low Hazard Floodway”. Notwithstanding, Council’s flood studies and associated mapping are not “environmental planning instruments” and are therefore not determinative of whether the SEPP applies.

Having regard for the provisions of Clause 4(6)(a)-(e), the subject site is not identified in SLEP 2014 or any other environmental planning instrument by the descriptive categories listed in Schedule 1 and therefore does not constitute environmentally sensitive land. Furthermore, the site is not zoned for industrial purposes, is not land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies and is not land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies. Accordingly, the Policy is applicable to the subject site.

#### **4.4.4 How is the proposed land use characterised?**

##### **Clause 10 – Seniors Housing**

For the purposes of Clause 10, the proposed development is considered to be seniors housing as it comprises a group of self contained dwellings.

##### **Clause 13 – Self contained dwellings**

The proposed seniors housing meets the following definition of serviced self care housing.

*“Serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.”*

#### **Clause 17 – Development on land adjoining land zoned for urban purpose**

Clause 17(1) states that:

*A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:*

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

Further, Clause 17(2) stipulates that:

*A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:*

- (a) for people with a disability, or*
- (b) in combination with a residential care facility, or*
- (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).*

The proposal involves the delivery of **additional serviced self care housing** on the subject site that will be provided as part of the **existing retirement village**.

#### **4.4.5 Is a Site Compatibility Certificate required?**

##### **Clause 24 – Site compatibility certificates required for certain development applications**

Clause 24 applies to a Development Application made for the purposes of seniors housing if the development is proposed to be carried out on land that adjoins land zoned primarily for urban purposes. Clause 24(2) specifies that:

*A consent authority must not consent to a Development Application to which Clause 24 applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:*

- (a) the site of the proposed development is suitable for more intensive development, and*
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

Accordingly, this SCC application has been prepared to demonstrate that the subject site is suitable for more intensive development that involves the expansion of the existing retirement village and that the proposal is compatible with the surrounding environment.

##### **Clause 25**

Clause 25 of SEPP Seniors details the information required to be submitted in support of a SCC application and the criteria which the relevant panel must have regard to when issuing a SCC. Section 6 of this report provides an assessment of the Clause 25 criteria.

#### 4.4.6 Part 2 - Site Related Requirements

SEPP Provision	Assessment
<p><b>26. Location and access to facilities</b></p> <p>Access is to be available to shops, bank service providers and other retail and commercial services, community services and recreation facilities and the practice of a general medical practitioner. Access is to be a transport service:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>The overall average gradient along a pathway from the site of the proposed development to the transport services (and from the transport services to the facilities and services) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p>	<p>The convenient transport options detailed in the following section are well utilised by residents of the existing retirement village at The Arbour. These patronage patterns confirm that the shops and services detailed in Clause 26 can be readily accessed from the site.</p> <p>The bus stop on the Victoria Street frontage of the subject site is serviced by the Route 705 bus. The Route 705 bus is operated by Shoal Bus and connects Nowra with Gerringong via Berry.</p> <p>The Shoal Shopper on-demand Nowra service picks up passengers from the Victoria Street bus stop at 9.39am and 1.57pm Monday – Friday when pre-booked.</p> <p>The service drops passengers off at Stockland Shopping Centre and Nowra Central where there is access to shops, bank services, a post office, library and medical services.</p> <p>This service provides a 24 seater bus which is wheelchair accessible.</p> <p>The return Gerringong service has several afternoon drop off times to the Victoria Street bus stop Monday-Friday.</p> <p>In addition to the Route 705 Shoal Bus Service, Shoalhaven Community Transport provides door to door transport to assist people maintain an independent lifestyle. Residents are required to register and book ahead of time. The service is available on demand 7 days per week. The service transports residents to medical appointments in the local area and beyond including Sydney, Wollongong, Canberra and Batemans Bay. The service also provides transport for shopping, visiting family or friends, banking or other business and social activities.</p> <p>A footpath is located along the eastern verge of Pepper Farm Drive, connecting to the footpath on Victoria Street. This footpath on Victoria Street provides pedestrian access to the bus stops on both the northern and southern verges. Altre Partners have calculated the gradient of the path along Pepper Farm Drive to be 1.3% and the gradient along Victoria Street to be 2.6%.</p>

SEPP Provision	Assessment
<p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>A suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like.</p>	<p>The footpath is sealed and meets the requirements of a “suitable access pathway”.</p>
<p><b>27. Bushfire Prone Land</b></p> <p>Consent not to be granted on bushfire prone land unless an assessment has been undertaken in accordance with <i>Planning for Bushfire Protection</i>.</p>	<p>The subject site is not mapped as bushfire prone land.</p>
<p><b>28. Water and Sewer</b></p> <p>Consent not to be granted unless satisfactory evidence provided of access to reticulated water system and adequate removal or disposal of sewage.</p>	<p>These services have been investigated with the relevant authorities and design solutions are proposed. Refer to the Site Servicing Strategy prepared by Northrop (attached at <b>Appendix E</b> and the detailed commentary provided in Section 5 of this report).</p>
<p><b>29. Compatibility criteria</b></p> <p>Clause 29(2) requires certain compatibility criteria to be considered when a development application is made in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p>	<p>N/A as Clause 24 applies to the proposal.</p>

Table 2: Part 2 – Site Related Requirements

**4.4.7 Part 3 – Design Requirements**

In accordance with the requirements of Clause 30, the development concept has been underpinned by a thorough site analysis and context planning. Refer to **Sections 2 and 3** of this report together with the site analysis prepared by Saturday Studio attached at **Appendix C**.

**4.4.8 Part 4 – Development standards to be complied with**

SEPP Provision	Assessment
<b>40. Development standards – minimum sizes and building height</b> (2) Site Size: Min. 1,000m <sup>2</sup>  (3) Site Frontage: Min. 20 metres  (4) Height: 8m or less, not more than two storeys adjacent to a boundary and single storey in the rear 25% of the site.	Area of Lot 6 DP 1204186 = 15.35 hectares. Area of part of site proposed to be developed = 7,309m <sup>2</sup> . Lot 6 DP 1204186 lot frontage to Victoria Street = approximately 200 metres. Frontage of north eastern corner of the site proposed to be developed = approximately 90 metres. The proposed dwellings will all be single storey in scale.

Table 3: Clause 40 – Development Standards

**4.4.9 Part 5 – Development on land adjoining land zoned for urban purposes**

SEPP Provision	Assessment
<b>Clause 42 Serviced self care housing</b> (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to: (a) home delivered meals, and (b) personal care and home nursing, and (c) assistance with housework.	Local service providers currently operate these services which will be readily available to residents of the proposed development. These services are currently provided to existing residents on an as needs basis, in keeping with their respective independent lifestyle. The existing village residents currently have access to meals, personal care and assistance with house work services provided by their own preferred providers. The proposed development will have access to services in keeping with the existing village (refer to The Arbour, Independent Living Guide attached at <b>Appendix L</b> for detailed information.).
<b>Clause 43 Transport services to local centre</b> (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of	Shoalhaven Community Transport provides door to door transport to assist people maintain an independent lifestyle. Residents are required to register and book ahead of time. The service is available on demand 7 days per week. The service transports residents to medical appointments in the local area and beyond including Sydney, Wollongong,



SEPP Provision	Assessment
<p>carrying at least 10 passengers will be provided to the residents of the proposed development:</p> <p>(a) that will drop off and pick up passengers at a local centre that provides residents with access to the following:</p> <p>(i) shops, bank service providers and other retail and commercial services that residents may reasonably require,</p> <p>(ii) community services and recreation facilities,</p> <p>(iii) the practice of a general medical practitioner, and</p> <p>(b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.</p>	<p>Canberra and Batemans Bay. The service also provides transport for shopping, visiting family or friends, banking or other business and social activities. Existing residents are understood to be satisfied with this arrangement.</p> <p>In addition to this service, there are local buses and the Shoal shopper service.</p>
<p><b>Clause 44 Availability of facilities and services</b></p> <p>A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.</p>	<p>The communal leisure and recreational facilities and services provided to residents of The Arbour (including future residents of the proposed seniors housing) have been constructed and are operational. They include a heated indoor pool, gym, 55 seat cinema, billiards room, library, cafe/lounge / dining area, catering kitchen and bar, consulting rooms, workshop and veggie patch.</p>

Table 4: Part 5 – Development on land adjoining land zoned for urban purposes

#### 4.5 State Environmental Planning Policy No. 55 – Remediation of Land

Statement Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) introduced State-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. The policy makes remediation permissible across the State, defines when consent is required and requires all remediation to comply with certain prescribed standards.

Clause 7 states as follows:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A Preliminary Contamination Assessment was carried out by Geotechnique to identify any areas of potential contamination and to assess if the proposed use of the subject site for the purposes of seniors housing is likely to present a risk of harm to human health. A copy of the report dated 26 March 2019 is provided at **Appendix F**.

The report notes that Geotechnique prepared an earlier Preliminary Contamination Assessment in 2006 in respect of Lot 1 DP 1073922. The proposed development site is part of Lot 6 DP 1204186 which is part of the lot formerly referred to as Lot 1 DP 1073922.

The Preliminary Contamination Assessment prepared in respect of this seniors housing proposal notes as follows at Section 4.5:

*"Based on the PCA for Lot 1 DP 1073922, it was considered that there was only a low potential for localised soil contamination within the site, associated with the soil stockpiles and soil filling materials. Given the low potential contamination associated with the soil stockpiles and filling materials in the southern portion of the site, it was recommended for the implementation of a suitable sampling and testing plan to confirm the presence or otherwise of contaminants within these soils." as a condition of development consent.*

Based on the recent assessment undertaken in relation to this seniors housing proposal, Geotechnique concluded that sampling and testing is required as part of a conditional development consent to identify the potential existence of contaminants and to confirm the contamination status of the site. However, Geotechnique advised that if any contaminants are ultimately identified, the site can be made suitable for the proposed use via successful remediation and validation.

#### **4.6 State Environmental Planning Policy (Infrastructure) 2007**

Clause 102(1) of State Environmental Planning Policy (infrastructure) 2007 (SEPP Infrastructure) prescribes that:

*This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

Clause 102(3) requires that:

*If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The acoustic assessment of the proposed development prepared by Acoustic Dynamics confirms that provided the recommendations of the report are adopted and incorporated into the detailed design and construction phase, compliance will be achieved. Refer to **Appendix F** and **Section 5** of this report for detailed commentary.

#### **4.7 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

Part of Lot 6 DP 1204186 is mapped as Strategic Agricultural Land in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. However, in view of the absence of rural or agricultural activities on the allotment, its relatively recent development as a retirement village and the identification of the proposed development site in the Shoalhaven Growth Management Strategy as being a long term investigation area for future growth (refer to **Section 5.1** below), it is considered unlikely that the land will fulfill any designated agricultural purpose in the future. For these reasons, seniors housing is considered to be a suitable use of the subject site.

### **5 Strategic Justification**

#### **5.1 Relationship with regional and local strategies Shoalhaven Growth Management Strategy**

The Strategy is a strategic document that attempts to manage the social and economic implications of future longer-term growth in the Shoalhaven local government area while protecting and preserving the region's environmental values.

The Strategy sets Council's broad policy framework for land use planning which will then be implemented through revisions and adjustments to local planning instruments.

In December 2012, Council adopted Version 1 of the Strategy which incorporated:

- The key outcomes of the Community Strategic Plan;
- The strategic directions from existing endorsed structure plans and settlement strategies (Nowra-Bomaderry Structure Plan, Jervis Bay Settlement Strategy, Sussex Inlet Settlement Strategy and Milton-Ulladulla Structure Plan); and
- Directions for the remaining settlements where no strategy or plan existed.

The Strategy forecasts in Section 3.3.2 that by 2021:

- The most populous age group will be 60-64 year olds.
- The number of people aged over 65 is expected to increase by 43.9% and represent 24.6% of the population by 2021.
- The age group which is forecast to have the largest proportional increase (relative to its population size) by 2021 is 70-74 year olds, who are forecast to increase by 51.5%.

The strategy notes that one of the key characteristics of the South Coast region relates to the notion of coastal movement as people retire from inland locations. These markets have less money and therefore purchase cheaper housing which is often in isolated locations with limited service provision. As these people age, problems associated with service requirements are exacerbated. Accordingly, it is important for the housing supply strategy for the Shoalhaven to continue to focus on the provision of suitable properties for the older market segment. Key opportunities in this regard include:

- Increasing the supply of adaptable housing for the aging population focused in or around towns with existing services or transport links to major service centre(s).
- Provide for the large demand for self care or hostel style housing,

The Growth Management Strategy map for Berry included in Section 7.3 of the Strategy identifies the proposed development area as being a long term investigation area for future growth (refer to **Figure 18**).

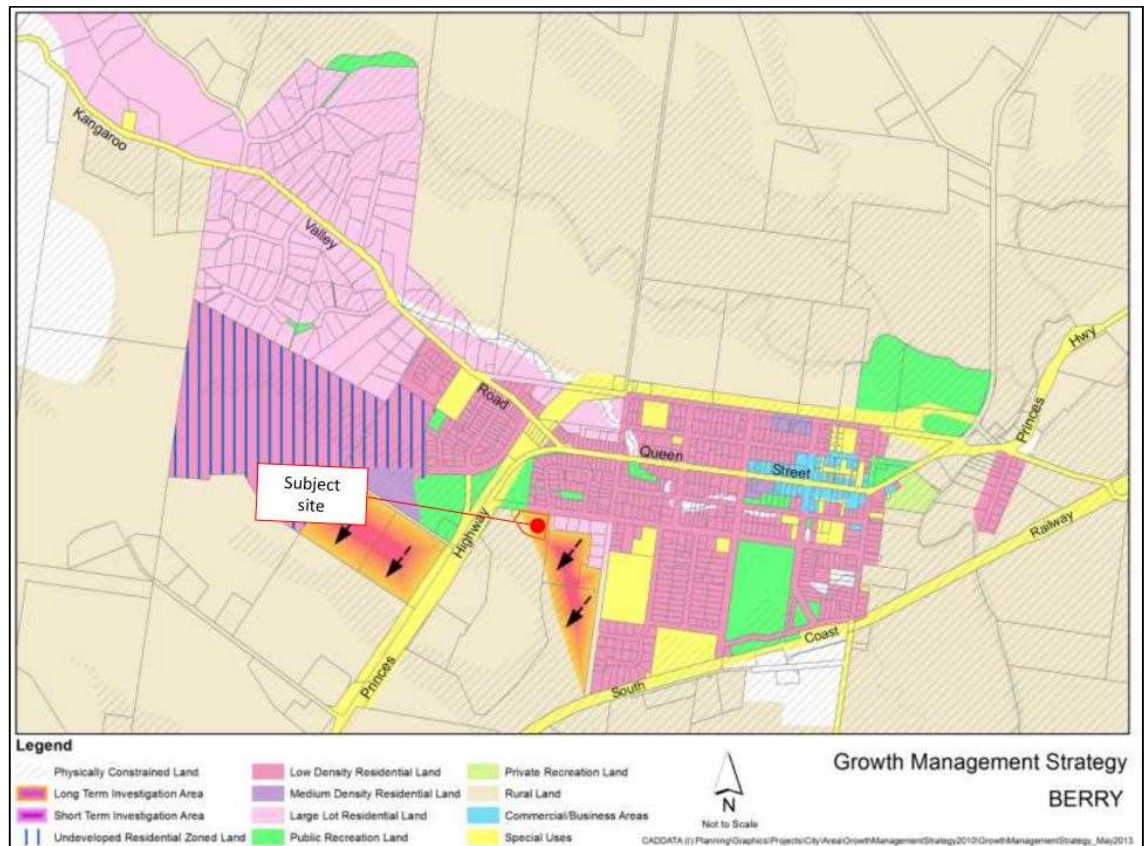


Figure 18: Extract from Shoalhaven Growth Management Strategy – Berry Map (Source: Altre Partners)

Council commenced a review of the Strategy in late 2018 with the release of a Discussion Paper and accompanying Character Assessments Report.

Consistent with the proposal to expand the architecturally designed, purpose built seniors housing supply at the existing retirement village at The Arbour, Section 4.1 of the Discussion Paper outlines the aging population of the region and notes that:

- The continuing in-migration of retirees seeking a coastal lifestyle ('sea-changers') and outmigration of youth have resulted in a significantly higher median age in Shoalhaven compared to the median age of Regional NSW and the median age of NSW as a whole. The median age is predicted to increase as the "baby boomer" generation continues to retire over the next decade.
- This increasing age of the population is placing additional demand on the provision of appropriate and affordable housing, transport, recreation, shopping and community facilities and services such as health and medical care.
- Households in the LGA are expected to continue to become increasingly dominated by singles and childless couples, primarily made up of the 65+ age group. This has significant implications for the mix of housing and range of services needed in the area. For example, the current housing stock caters more for larger households, with 87% of all dwellings being detached and only 19% being 1 and 2-bedroom dwellings.

## **5.2 Public interest reasons for providing seniors housing in this locality**

The proposal will result in the delivery of seniors housing on a site which is deemed to be compatible having regard for the surrounding infrastructure and development. The proposal will result in the following community benefits:

- Increased supply of independent retirement living residences that meet the needs of seniors and/or people with a disability on land which is currently being used for the purposes of an existing retirement village and which includes award winning communal facilities for residents to enjoy.
- This additional housing supply will assist to meet the growing demand created by the aging population in the Shoalhaven region and will respond to demand from the high proportion of Shoalhaven's incumbent and sea/tree change population of older residents;
- The site is capable of accommodating seniors housing in an appropriate location without causing risk to human life as a result of flooding or other environmental events; and
- The more efficient use of a currently underutilised site.

## **5.3 Adequacy of services and infrastructure to meet demand**

### **5.3.1 Access to Services**

The proposed seniors housing will benefit from the use of existing communal leisure and recreation facilities (including the indoor pool, gymnasium, cinema, billiards room, library, lounge and workshop) at The Arbour.

The bus stop on the Victoria Street frontage of the subject site is serviced by the Route 705 bus. Route 705 connects Nowra with Gerringong via Berry. The service drops passengers off at Stockland Shopping Centre and Nowra Central where there is access to shops, bank services, a post office, library and medical services. Nowra is approximately 20 minutes by car/bus from the site.

The subject site is also approximately 1km on foot from the historic Berry town centre which offers boutique shops, heritage hotels, cafes, galleries and restaurants.

### **5.3.2 Infrastructure Provisions**

The proposed seniors housing will require the extension and augmentation of infrastructure, services and utilities as required (including sewer, water, gas, electricity and telecommunication connections) in accordance with the Site Servicing Strategy attached at **Appendix E (refer to Section 5.4.4 for detailed commentary)**.

## **5.4 Environmental Assessment**

### **5.4.1 Built Form Compatibility**

The proposed development concept has been designed to be compatible and in keeping with the height, scale and built form of the existing retirement village at The Arbour together with the surrounding low density area which is characterised by detached dwelling houses.

In this regard, the extension to The Arbour has been located to respond to the context of Victoria Street. The built form has been located adjacent to the other houses in Victoria Street and the landscaped gardens have been maintained opposite Mark Radium Park. The houses will be single level and modest in scale, similar to the majority of other dwellings in Victoria Street.

The houses will be constructed with timber frame, dry pressed clay bricks and lightweight cladding. The houses will typically comprise around 125m<sup>2</sup> of internal living area and will be single storey with low pitched roofs. The scale will be modest and compatible with the Victoria Street context of largely single level homes.

#### 5.4.2 Landscaping

A Landscape Design Intent Statement has been prepared by Site Design + Studios (refer to **Appendix H**).

The landscape concept has been designed to complement the landscape theme of the existing retirement village. The concept adopts the following key design principles:

- The proposed houses will sit amongst trees on the Victoria Street frontage that will be dominant in scale over the houses. After the earthworks and minor cut in the north east corner of the site, these large trees will continue to be the dominant feature of the frontage to Victoria Street.
- The proposed built form along the Victoria Street frontage will be visually softened by using layered plantings of ground covers, turfed areas, shrub plantings and strategically placed deciduous canopy trees to integrate and contribute positively to the overall street locality and streetscape.
- The proposed planting design for the internal road system will respond to the smaller streetscape scale delineating and clearly framing pedestrian entries to front doorways and driveways.
- The vehicular entrance to the site will be framed on one side by a communal open space area. The opposite side of the entry driveway will maintain an open feel with selected screening shrubs and trees to screen new dwellings.
- The north south communal open space (Garden Common) will provide a shared amenity between the houses fronting Street B and Street C and will provide pedestrian linkages to and through this informal community meeting area. The planting design will create intimacy by reducing the visual dominance of the buildings and will achieve an inviting cooler microclimate for summer relief. The selected deciduous feature trees will allow for increased solar access and passive use of this space during the winter months.
- The southern built form elevation will be screened with native species.
- The proposed planting palette for the development will be a mixed palette of both native and exotic species chosen for their hardiness to the site conditions and microclimates. Deciduous trees are proposed in key areas to provide summer shade and winter sun as well as to add seasonal interest with leaf colour changes. Evergreen trees are to be used where year round screening and amenity is required. These trees will also help to ameliorate wind conditions within the development.
- The setback areas will contain a layered planting design comprised of groundcovers and smaller and larger shrubs to present an interesting façade to the street. Planting will be strategically located within the courtyards to maximise the usable space of the courtyards. Screen planting and trees will be located within the communal open space adjacent to the courtyards to provide privacy and amenity.

#### 5.4.3 Flooding

Council's pre-DA lodgement advice stipulated that the finished floor level of the proposed seniors housing must be set above the PMF flood levels or 1% AEP + 0.5m freeboard, whichever is higher. This will prevent any damage or impacts caused by floodwater to the structural integrity of building components.

In their Flood Management Strategy (attached at **Appendix E**), Northrop note that the majority of the proposed development extent is located outside of the hazard areas in Council's flood hazard category map (refer to **Figure 19**).

The Flood Management Strategy specifies that the following measures may be adopted to achieve Council's flood planning level requirements:

- Maintain existing natural surface levels for areas located outside of the flood hazard category map; and
- Propose filling of land for areas encroaching the low hazard floodway and low hazard flood storage areas.

Excavation may be proposed to compensate for the loss of flood storage volume due to filling on the site. However, no excavation will be proposed within areas encroaching Council's flood hazard category map.

A minor area of fill along the southern extent of the development footprint will be proposed during the future design stage. The volume of fill is not expected to be more than 1% of the 2050 flood volume.

In accordance with Shoalhaven City Council DCP Chapter G9, the Flood Management Strategy states that filling and excavation within the proposed development area will not have a significant impact on flood behaviour, conveyance and storage capacity, surrounding properties and structures and the environment in the specific area where the development is proposed.

Based on Northrop's assessment of the seniors housing proposal against Council's performance criteria, Northrop advise that:

- No significant issues are expected to be encountered during the detailed design phase of earthwork and design levels.
- The proposed development will be generally compliant with Shoalhaven City Council DCP Chapter G9: Development on Flood Prone Land.





Figure 19: Shoalhaven City Council Flood Hazard Categories Map (Source: Northrop)

#### 5.4.4 Emergency Evacuation

An emergency evacuation strategy is in place for The Arbour retirement village. This existing plan (attached at **Appendix K**) will be updated to support residents of the additional proposed seniors housing.

To optimise efficient evacuation in an emergency, residents at The Arbour complete Personal Emergency Evacuation Plans (PEEP's) which are individualised emergency plans designed for residents within an independent living village who may require assistance during an emergency.

In the event residents are required to evacuate their homes, they will be directed by emergency services. Evacuation options include:

- The Enclave pool.
- The Berry Hotel (official Evacuation point).
- Berry Showground or Sports Complex.

#### 5.4.5 Site Servicing

The Site Servicing Strategy prepared by Northrop is attached at **Appendix E**.

##### Sewer Infrastructure

The following sewer infrastructure is located in vicinity of the site:

- A sewer main along Victoria Street located at the northeast corner of the site;
- A private pressure sewer lines along Pepper Farm Drive at the western boundary connecting into the Shoalhaven Water pumping Station.

Preliminary advice from Council is that the current capacity in Council's sewer main will be adequate to serve the additional 11 proposed lots, however final confirmation will be subject to the Shoalhaven Water Notice conditions issued by Shoalhaven Water.

#### Water Infrastructure

The following water infrastructure is located in the vicinity of the site:

- A water main along the northern boundary of the site on Victoria Street.
- Private water lines along Pepper Farm Drive at the western boundary.

Preliminary advice from Council is that the current capacity in Council's main will be adequate to serve the additional 11 proposed lots, however final confirmation will be subject to the Shoalhaven Water Notice conditions issued by Shoalhaven Water.

#### Gas Infrastructure

The following gas infrastructure is located in the vicinity of the site:

- A gas line along Pepper Farm Drive at the western boundary to the gas tank located at the northwest corner of the site.

The current gas supply servicing the existing section of The Arbour is via the existing gas tank located at the northwest corner of the site. This gas tank will have sufficient capacity to service the 11 additional proposed lots based on the current weekly refilling schedule.

#### Electrical Infrastructure

The following electrical infrastructure is located in the vicinity of the site:

- Electrical cables along the length of Victoria Street.

The electrical supply for the existing retirement village is from the Princes Highway along the south western side of the site. However the closest point of connection for the proposed seniors housing is from the High Voltage cables in Victoria Street. The proposed connection will be subject to approval from Endeavour Energy assuming there is sufficient capacity in the pad-mount substation located to the east within Lot 1008 DP1107175. An application for a new connection of maximum 150Amps Load has been submitted to Endeavour Energy for approval.

#### Communications Infrastructure

The following telecommunications infrastructure is located in the vicinity of the site:

- NBN conduits and pits along Pepper Farm Drive;
- NBN conduits and pits along the length of Victoria Street;
- Telstra conduits and pits along Pepper Farm Drive;
- Telstra conduits and pits along the length of Victoria Street.

The proposed point of connection for the NBN network is via the existing NBN pit located in Pepper Farm Drive. An application to provide the proposed NBN pit and pipe networks in accordance with NBN-TE-CTO-284 shall be submitted to the relevant service authorities for approval.

### **5.4.6 Contamination and Remediation**

As noted previously in this report, Geotechnique assessed the subject site and prepared a Preliminary Contamination Assessment report (refer to **Appendix F**).

The objective of the investigation was to identify any areas of potential contamination and to assess if the proposed use of the subject site for the purposes of seniors housing is likely to present a risk of harm to human health.

To inform the assessment, a site inspection was undertaken and historical site and geological information was reviewed.

Based on the aerial photographs and land title records reviewed in the desktop study, Geotechnique opined that the site appears mainly to have been used historically for rural agricultural purposes.

The investigation carried out by Geotechnique for the current seniors housing proposal identified a potential Area of Environmental Concern in relation to fill in the north and south eastern portion of the proposed development area. Sampling and testing undertaken in accordance with any future conditions of development consent will clarify whether in fact the fill is contaminated. If any contaminants are ultimately identified, Geotechnique have advised that the site can be made suitable for the proposed use via successful remediation and validation.

#### 5.4.7 Acoustic Impacts

Acoustic Dynamics undertook an External Noise Intrusion Assessment of the subject site and seniors housing proposal. A copy of the report is attached at **Appendix G**.

Due to the proximity of the Princes Highway carriageway to the west of the subject site, the objective of the investigation was to assess the potential for traffic noise to adversely impact residents of the proposed seniors housing.

Acoustic Dynamics noted during the site inspection that the  $L_{Aeq}$  noise environment was dominated by road traffic noise from the Princes Highway, Pepper Farm Drive and Victoria Street.

Based on their acoustic modelling, Acoustic Dynamics concluded that the proposed seniors housing development is capable of achieving compliance with the relevant acoustic criteria provided that the recommendations outlined in the report are implemented at the construction phase of the project.

#### 5.4.8 Traffic Impacts

GHD carried out a traffic impact study of the seniors housing proposal. A copy of the report is attached at **Appendix I**.

The study assessed the existing land use and development conditions and the existing road network conditions including the physical road network configuration and condition, traffic flows and pedestrian and cyclist infrastructure. The study also modelled the additional traffic likely to be generated by the proposed development and assessed the impacts the additional traffic will have on the existing road network.

Vehicular access to the proposed seniors housing will be provided via a new internal access road off Pepper Farm Drive with individual driveways provided for each dwelling.

GHD advised that the traffic impacts associated with the proposed seniors housing will be minimal and will involve only minor additional traffic generation.

The peak traffic expected to be generated by the proposed development was estimated in accordance with Austroads Guide to Traffic Management Part 12. Austroads provides a typical peak hour traffic generation rate for 'housing for seniors' of 0.4 trips per dwelling. Based on the proposed addition of 11 dwellings, GHD calculated that an additional 5 peak hour trips will take place but noted that the morning peak hour traffic volume that the development will generate may not coincide with the peak hour traffic of the surrounding transport network.

As there will be a new access road to access the proposed dwellings, a new intersection will be required on Pepper Farm Drive. This new intersection has the potential to impact existing traffic flows on the road, with an expected increase in flows of almost 10%. However, due to the low volume of traffic and the satisfactory sight distance, the existing circulation on Pepper Farm Drive will not be significantly impacted.

Furthermore, the intersection of Victoria Street and Pepper Farm Drive will not be significantly impacted by the additional traffic volume, due to the small number of additional vehicles.

Having regard for their assessment, GHD concluded that the proposed is not anticipated to impact the existing transport network. Based on the scale and nature of the proposed development, additional traffic generation will be minor and when combined with the existing low traffic volumes on Pepper Farm Drive and Victoria Street, will not have a significant impact on local traffic flows.

#### 5.4.9 Tree Impacts

Bradley Hawthorne, Arborist prepared a Tree Impact Assessment to accompany the SCC application. A copy of the report is attached at **Appendix J**.

The objective of the investigation was to assess the likely impact of the proposed development on trees located on the subject site and any neighbouring trees located in close proximity to the adjacent boundaries.

##### *Conclusions*

*Amendments made to the draft Floor Plan have enabled the retention of all Narrow-leaved Paperbarks located to the south west of the work area.*

*The proposed removal of Trees 8, 11, 14 and 17 to 21, located between the Victoria Street footpath and the northern boundary will not adversely impact on the streetscape or surrounding amenity, given their Low to Very low Tree Retention Values and their Remove SULE classification.*

*Proposed street and building footprints will require the removal of seven trees (Trees 4, 5, 22, 36 to 39). Adequate offset planting with a maintenance period should be stipulated.*

*Details provided thus far for Street B are inadequate for conclusive Arboricultural impact assessment. Adoption of tree sensitive construction measures, adjacent to neighbouring trees (Trees 23 to 35) are required to ensure that the proposed development does not impact the neighbour's tree asset.*

#### 5.5 Consistency with Compatibility Planning Principle

*Project Venture Developments v Pittwater Council [2005] NSWLEC 191 involved an appeal against the refusal by Pittwater Council to demolish the existing buildings on the site and erect a three storey residential flat building. The case established the Planning Principle of 'compatibility' in the urban environment. Key elements of the Planning Principle are as follows:*

*There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*

*Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*

*– Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

*– Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

*For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.*

*Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*

*Front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*

*Landscaping is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

As has been detailed throughout this report, the physical impacts of the proposed seniors housing on the surrounding development will be acceptable and the proposal will be compatible with the immediate context and setting for the following reasons

- The Site is located on the periphery of the town of Berry on a stretch of Victoria Street which is largely residential in character, with predominantly single storey detached dwellings houses set beyond wide landscaped road verges.
- The modest single storey scale and detached built form of the proposed dwellings will be visually in keeping with the character of houses along Victoria Street.
- The proposed built form will be softened by the proposed landscaping and the existing street trees proposed to be retained.
- The property is occupied by a recently completed retirement village and the additional proposed seniors housing will be constructed in a similar architectural style with similar materials and finishes to the existing village.
- The proposed seniors housing will not constrain the development potential of the land immediately surrounding it because it will not give rise to:
  - (i) land use conflicts with the adjoining, largely residential development;
  - (ii) adverse bulk and scale or amenity impacts given its single storey scale; or
  - (iii) adverse environmental impacts on the surrounding natural environment.
- The design and scale of the proposed built form and its occupation for the purposes of seniors housing will give rise to a development which is capable of existing together in harmony with the surrounding buildings and Victoria Street streetscape, including the existing retirement village on the allotment as well as the adjacent residential properties, seniors housing and aged care facilities.

## 6 Statement of Compatibility

### 6.1 Part 1A – Site Compatibility Certificates

#### Clause 25 – Application for site compatibility certificate

For the purposes of Clause 25(2)(b) of SEPP Seniors, it is noted that no Site Compatibility Certificates (SCC) have historically been issued in relation to the site to which this application relates.

Amendments to SEPP Seniors made in October 2018, require under Clause 25(2)(c) that for land that is “next to proximate site land”, that an application for an SCC be accompanied by a cumulative impact study that has been prepared in accordance with any guidelines issued by the Planning Secretary from time to time. A cumulative impact study is not required given the land is not considered ‘next to proximate site land’ as the land is not located within a one kilometre radius of two or more other parcels of land in respect of which there is either a current SCC or an application for an SCC has been made but not yet determined.

Clause 25(5) of SEPP Seniors requires that the relevant panel must not issue a Site Compatibility Certificate unless it is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the criteria outlined in the table below. Table 5 below provides a response to the criteria prescribed at Clause 25(5)(b)(i)-(vii).

SEPP Provision Clause 25(5)(b)	Assessment
(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.	<p>The subject site is located on the periphery of Berry township and while the immediate context and character is residential in nature, the site acts as a transition between the urban town setting and the rural landholdings further afield.</p> <p>The site has been developed with a retirement village and adjoins other seniors housing in the form of the BUPA aged care facility and The Grange.</p> <p>An assessment of the environmental values of the site is provided at Section 6. The environmental assessment demonstrates that the subject site is / can be made suitable for the seniors housing proposal having regard for the natural hazards.</p>
(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land.	<p>The allotment has recently been developed with The Arbour retirement village.</p> <p>The north eastern corner of the allotment was not developed as part of the initial phase of construction but is now proposed to be developed with eleven additional dwellings in response to the strong demand for seniors housing throughout the Shoalhaven local government area. This is consistent with the identification of the proposed development site in the Shoalhaven Growth Management Strategy as being a long term investigation area for future growth. Seniors housing is considered to be an appropriate and likely future use of the north eastern corner of the site and is not expected to give rise to potential land use conflicts.</p> <p>The proposed seniors housing concept is compatible and consistent with the ongoing use of the site as a retirement village and with the surrounding residential land uses.</p>

SEPP Provision Clause 25(5)(b)	Assessment
(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.	<p>The proposed development site is very well serviced by multiple transport service options that will provide future residents of the proposed seniors housing with convenient access to retail, medical, community and financial facilities. The site is also well located to readily facilitate any necessary augmentation of utilities and service infrastructure.</p> <p>Refer to the detailed assessment provided in Sections 2.7, 4.4.6, 5.3 and 5.4.4.</p>
(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development.	N/A
(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	<p>The proposed development concept has been designed to be compatible and in keeping with the height, scale and built form of the existing retirement village at The Arbour together with the surrounding low density area which is characterised by detached, largely single storey dwelling houses.</p> <p>The proposed seniors housing will be single storey and modest in scale, similar to the majority of the dwellings in Victoria Street.</p> <p>The extension to The Arbour has been located to respond to the context of Victoria Street with the built form located adjacent to the other houses in Victoria Street and large landscaped gardens have been maintained opposite Mark Radium Park.</p>

SEPP Provision Clause 25(5)(b)	Assessment
(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.	N/A
(vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate.	N/A

Table 5: Clause 25(5)(b) Requirements

## 7 Conclusion

This Site Compatibility Certificate application is submitted to the Department of Planning and Environment in accordance with the provisions of Clause 25 of *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004*.

Under Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000*, a Site Compatibility Certificate is required to accompany Development Applications whenever such a certificate is required under a relevant SEPP. If issued, the Site Compatibility Certificate will accompany a future Development Application to Shoalhaven City Council seeking development consent for eleven (11) additional dwellings at the existing retirement village, The Arbour, Berry.

Clause 24 of SEPP Seniors applies to a Development Application made for the purposes of seniors housing if the development is proposed to be carried out on land that adjoins land zoned primarily for urban purposes. The subject site at No. 10 Victoria Street, Berry adjoins land zoned primarily for urban purposes.

Clause 24(2) of SEPP Seniors specifies that a consent authority must not consent to a Development Application to which Clause 24 applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:

- (a) the site of the proposed development is suitable for more intensive development, and
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).

Accordingly, this Site Compatibility Certificate application has been prepared to demonstrate that the subject site is suitable for more intensive development that involves the expansion of the existing retirement village and that the proposal is compatible with the surrounding environment.

In conclusion, Leathwaite Planning Group is of the opinion that as the proposed expansion of the existing retirement village at The Arbour, Berry is consistent with the aims of SEPP Seniors and meets the requirements of Clause 25 of SEPP Seniors, a Site Compatibility Certificate can be issued.