

Report to the Southern Regional Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: The site of the proposed seniors housing development is part of Lot 6 DP 1204186, 10 Victoria Street, Berry (Figure 1, below).

Lot 6 is 15.35ha in area. It is irregular in shape and is accessed via a driveway off the southern side of Victoria Street. The Arbour retirement village is located on the central and southern parts of the lot. It consists of 113 single-level dwellings with parklands and resort-style private facilities.

Only the north-eastern corner of the lot (0.77ha in area) is subject to the proposed extension of the seniors housing development. This area is vacant with no development or improvements. The land falls to the south-west at a gentle grade of 5% to an unnamed tributary of Broughton Creek. The area is turfed and surrounded by a mix of native and exotic perimeter trees.



Figure 1: Locality and site maps (source: SCC application, Leathwaite Planning Group).

APPLICANT: MBark

PROPOSAL: It is proposed to extend the retirement village known as The Arbour (currently 113 dwellings) by providing an additional 11 single-storey, self-contained dwellings (**Attachment D**).

It is also proposed to provide three new private roads, associated landscaping, public domain improvements and augment infrastructure (Figure 2, below).

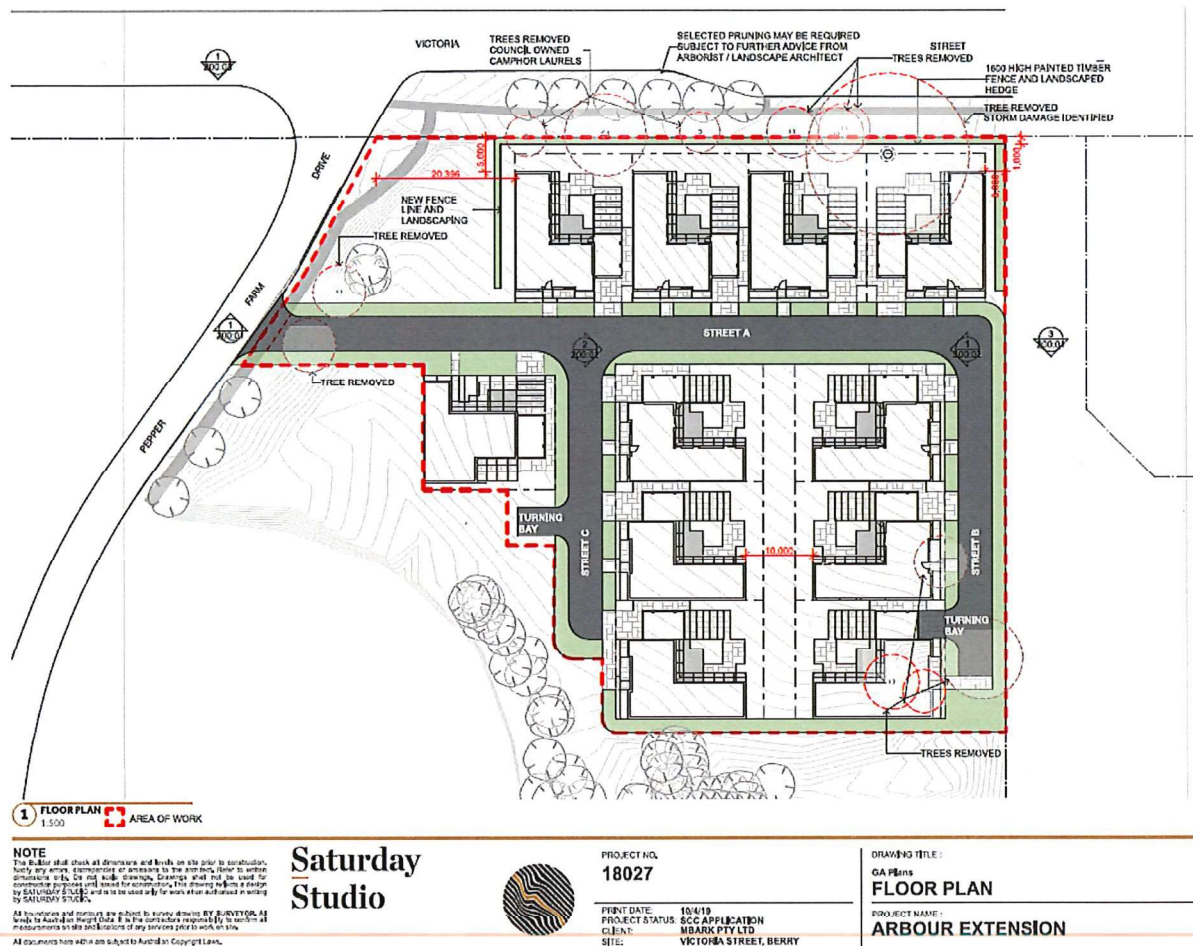


Figure 2: Concept plan (source: SCC application, Leathwaite Planning Group).

LGA: Shoalhaven City

PERMISSIBILITY STATEMENT

The land satisfies the requirements of clauses 4, 17 and 24 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP).

The site is zoned RU1 Primary Production under the Shoalhaven Local Environmental Plan (LEP) 2014 (**Attachment E**). Dwelling houses are permitted with consent in the zone. The northern and eastern boundaries of the site adjoin land zoned R2 Low Density Residential (Figure 3, next page).

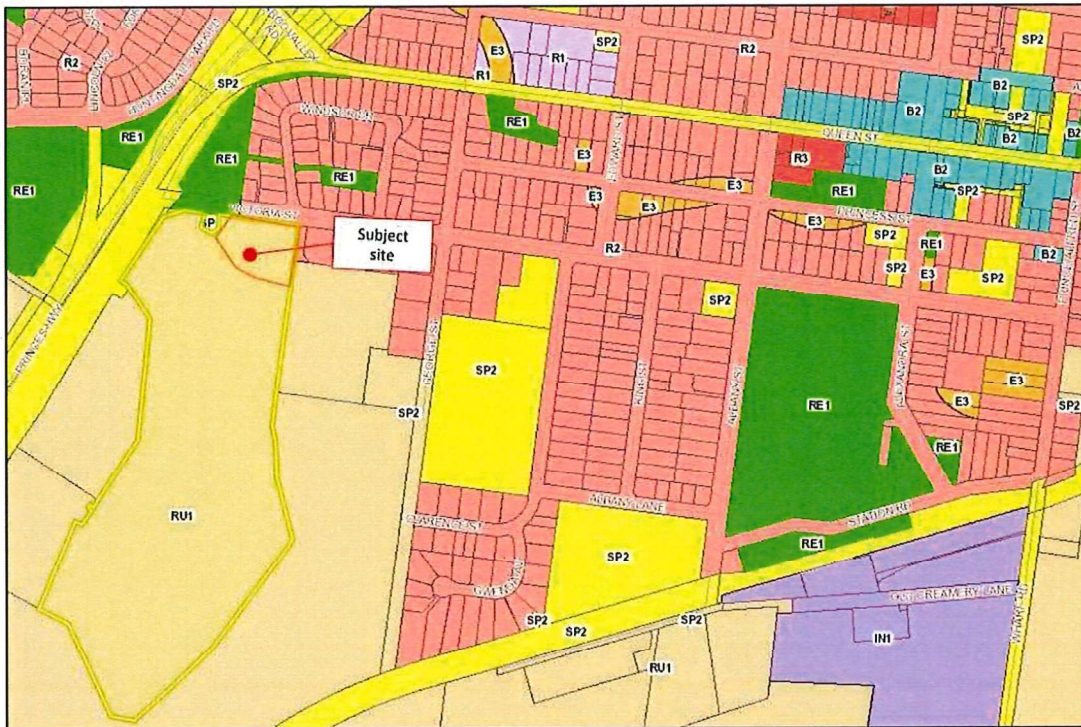


Figure 3: Zoning extract (source: Shoalhaven LEP 2014).

As such, the site adjoins land zoned for urban purposes and meets the requirements of clause 4(4) of the Seniors Housing SEPP.

The site does not contain environmentally sensitive land as described in schedule 1 of the SEPP, in the Shoalhaven LEP 2014 or any other environmental planning instrument. While the land is partially flood prone, it is not described as floodway or high-hazard flooding in any planning instruments.

As such, the site is not described as environmentally sensitive land and meets the requirements of clause 4(6) of the SEPP.

The proposal has been lodged under Seniors Housing SEPP Clause 17 'Development on land adjoining land zoned for urban purposes' as it is for serviced self-care housing provided as a retirement village (within the meaning of the *Retirement Villages Act 1999*). The proposal is for stage 6 of The Arbour retirement village.

The *Retirement Villages Act 1999* defines a retirement village as a complex containing residential premises that are predominantly occupied by retired persons who have entered into village contracts with an operator of the complex. The Act does not provide any definitions or guidance on the form/design/layout of a retirement village i.e. communal areas and facilities and provision of services.

The proposal is consistent with clause 17 of the SEPP as it comprises a retirement village for serviced self-care housing.

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

No site compatibility certificates (SCCs) have previously been issued for the site or the land. The earlier stages of The Arbour (beginning in 2006) were approved in accordance with earlier versions of the Seniors SEPP, which did not contain provisions for an SCC.

The application addresses the requirements of clause 25(5)(c) of the Seniors Housing SEPP.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

There are no current or lodged SCC applications within 1km of the site.

The application addresses the requirements of clause 25(2A) of the SEPP.

CLAUSES 24(2) AND 25(5)

The panel must not issue an SCC unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b) of the SEPP.

CLAUSE 25(2)(C)

A cumulative impact study has not been prepared as there are no current or lodged SCC applications within 1km of the site.

The application addresses the requirements of clause 25(2)(C) of the SEPP.

COUNCIL COMMENTS

Shoalhaven City Council provided comments on the proposed development on 30 May 2019 following receipt of the revised proposal on 10 May 2019 (**Attachment C**).

Council's comments are summarised below:

- Council does not object to the proposed extension to the seniors housing on the land.
- Council held a pre-lodgement meeting with the proponent on 6 February 2019 to discuss the proposed SCC application and subsequent development application should the certificate be supported. Council provided comments on the proposed SCC application, flood management and site servicing.
- A minor portion of the development will be within the low-hazard flood-prone area. Flood evacuation does not appear to be a significant issue. The proposal appears to comply with the provisions of Chapter G9 – Development on Flood Prone Land of the Shoalhaven Development Control Plan 2014.
- Council is concerned about the presentation of the development to Victoria Street, with a 1.8m-high boundary fence proposed along the street frontage. Further consideration needs to be given to the design in this location so the development is seen to integrate/address the street.

This issue can be addressed at the development application stage.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)) of the SEPP.

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site of the proposed seniors housing development is part of Lot 6 DP 1204186, 10 Victoria Street, Berry.

Lot 6 is 15.35ha in area. It is irregular in shape and is accessed via a driveway off the southern side of Victoria Street. The Arbour retirement village is located on the central and southern parts of the lot. It consists of 113 single-level dwellings with parklands and resort-style private facilities.

Only the north-eastern corner of the lot (0.77ha in area) is subject to the proposed extension of the seniors housing development. This area is vacant with no development or improvements. The land falls to the south-west at a gentle grade of 5% to an unnamed tributary of Broughton Creek. The area is turfed and surrounded by a mix of native and exotic perimeter trees.

The site is bounded to the north by Victoria Street, beyond which is the local heritage-listed Mark Radium Park zoned RE1 Public Recreation and low-density detached dwellings zoned R2 Low Density Residential. To the south is The Arbour, beyond which is the BUPA Residential Care Facility and rural lands. To the east is The Grange at Berry retirement village and low-density detached dwelling houses zoned R2. To the west is Pepper Farm Drive, which provides access to The Arbour and vacant floodway grasslands of Lot 6. Beyond the western boundary of Lot 6 is the M1 Motorway and further low-density residential development.

The site is not used for agricultural activities/primary production. The construction of the earlier stages of The Arbour removed the agricultural uses from the land.

The proposal will result in infill development within an area of seniors living and low-density residential development. It would not create an extension of the urban area along the southern town boundary of Berry.

The site is suitable for more intensive development than the RU1 Primary Production zone allows.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Lot 6 is located on the upper edge of the Broughton Creek floodplain. Two unnamed tributaries flow through the lot in a north-westerly to south-easterly direction. Council's local flood study and associated mapping identify part of the lot as high-hazard floodway and low-hazard floodway. However, the site of the proposed development is outside the high-hazard floodway area.

The flood management strategy supporting the application found the proposed development is not expected to result in any adverse impacts on floodwater characteristics.

Lot 6 is a mix of turfed grasslands, clusters of vegetation and seniors housing. The site is not mapped as bushfire-prone land. A landscape design intent statement has been prepared that proposes retaining and supplementing the trees along Victoria Street and planting a mix of native and exotic species along the internal roads and communal open space.

There are no natural features or hazards on the site and surrounding lands that would make the site unsuitable for seniors housing development.

The lot is located on the southern periphery of the Berry township and acts as a transition between the urban town setting and the rural landholdings further south.

The lot has been developed with a retirement village and adjoins other seniors housing (BUPA aged care facility and The Grange).

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The lot was recently developed as The Arbour retirement village. The site was not developed as part of the initial phase of construction but is now proposed to be developed in response to the demand for seniors living in the Shoalhaven local government area.

The site and adjoining land to the east have been identified as a long-term investigation area for growth in the Shoalhaven Growth Management Strategy 2019-2041. Seniors housing is an appropriate and likely future use of the site given the existing The Arbour retirement village on the remainder of the lot. Seniors housing on the site is not expected to raise any potential land-use conflicts with adjoining lands.

The proposed seniors housing is compatible and consistent with the ongoing use of the lot as a retirement village and with the surrounding residential land uses.

3. 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 (clause 25(5)(b)(iii))

The proposal will make efficient use of infrastructure and services available at The Arbour. The site servicing strategy included in the application details the extension and augmentation of infrastructure required for the proposal.

Preliminary advice from Shoalhaven Water has confirmed there is capacity in the water and sewer mains to The Arbour to service the proposed additional 11 dwellings. Final confirmation will be required from Shoalhaven Water.

The gas supply servicing The Arbour has the capacity to service the proposed additional 11 dwellings. Electricity supply will need to be connected from lines in Victoria Street. An application for a new connection has been lodged with Endeavour Energy. Telecommunications infrastructure is available near the site.

The proposed dwellings will benefit from the use of the existing communal recreation and leisure facilities (including the indoor pool, gymnasium, cinema, billiards room,

library, lounge and workshop) at The Arbour. Future residents will have access to serviced self-care services, such as meals, personal care and assistance with housework providers in keeping with The Arbour Independent Living Guide. Medical services can be obtained via The Arbour's consulting rooms or service providers in Berry and Nowra and further afield in Wollongong.

The Arbour is well serviced by multiple transport connections to shops and local services in Berry and Nowra. Shoalhaven Community Transport provides door-to-door transport for The Arbour residents. There is a 1km-long footpath that enables residents to walk or ride into Berry.

4. 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 (clause 25(5)(b)(iv))

Not applicable.

5. 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 (clause 25(5)(b)(v))

The proposed development has been designed to be compatible and in keeping with the height, scale and built form of The Arbour and the surrounding low-density residential area, which is characterised by detached, largely single-storey dwelling houses.

The proposed development would be located in the north-east corner of the lot to respond to the context of Victoria Street, with the built form located adjacent to other houses in Victoria Street. Large landscaped gardens would be maintained opposite Mark Radium Park.

A 1600mm-high painted timber fence and landscape hedge is proposed along Victoria Street, which will replace the current open frontage and view lines with a solid barrier. Council has raised this as an issue to be considered as part of any development application to ensure the development is integrated with Victoria Street and its streetscape.

6. 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 (clause 25(5)(b)(vi))

The proposed seniors housing development does not involve the clearing of any native vegetation under the *Native Vegetation Act 2003*.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

Not applicable.

CONCLUSION

The information provided by the applicant is sufficient to allow assessment of the impact of the development, especially in regard to the key issues relating to the suitability of the site for this form of development.

The site is suitable for more intensive development as:

- there are no environmental values, resources or hazards that would make the site unsuitable for a more intensive residential use;
- community services and infrastructure can be made available to service the site;
- the site adjoins the south-western boundary of the Berry township and seniors housing development is located to the east and south of the site; and
- the site has been identified in Council's long-term strategy planning for urban investigation.

The proposed development is suitable for the site as it is:

- consistent with clause 17 of the Seniors Housing SEPP as it comprises a retirement village for serviced self-care housing (within the meaning of the *Retirement Villages Act 1999*);
- an appropriate housing form under the SEPP and Act;
- an extension of the existing seniors housing development on the land;
- the same density and design as the existing seniors housing development on the land;
- consistent in character with the adjoining residential development in the area, as required by the SEPP;
- unlikely to have adverse impacts on the existing and future use of land in the vicinity; and
- able to provide adequate services and infrastructure in conjunction with the existing seniors housing on the land.

ATTACHMENTS

Attachment A – SCC application package

Attachment B – Site map

Attachment C – Council comments

Attachment D – Proposed seniors housing design plan

Attachment E – Existing zoning map

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