

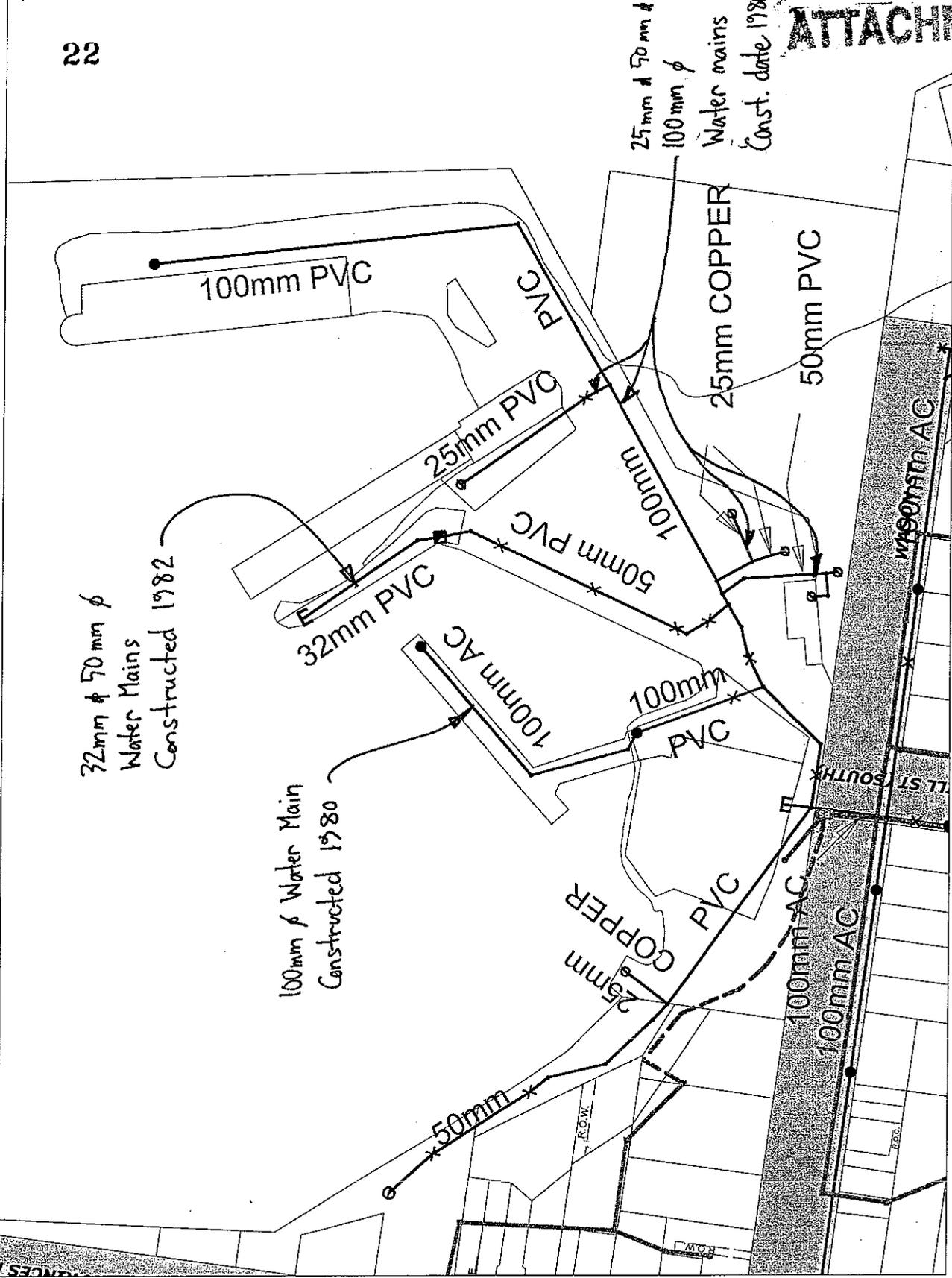
Strategic Planning





Strategic Planning





- Road Layers
- Cadastre Layers
- Cadastre
- Easement Annotation
- Easement Lines
- Parks

SCALE 1 : 2,160



# ATTACHMENT D



**CLAIM NO. 8051**

Strategic Planning







Ordinary Meeting – Strategic Planning Group Item 3 Page 1 of 13

hibited,

subject to:

- a) Action I.7 be deleted relating to seeking exemption from the SEPP Seniors Living;
- b) Actions I.11 and 12 be deleted on the basis that the dual occupancy policy is proposed to allow subdivision of dual occupancies as a bonus where one of the dwellings complies with adaptable housing provisions;
- c) Action IV.29 - funding a share housing register be shown as a long term possibility should funding become available;
- d) A major review of the Housing Strategy be considered every 5 years.

2. **State Environmental Planning Policy - Seniors Living 2004 - Review being undertaken by Department of Planning** File 16635

**Background**

Council has recently been advised that the NSW Department of Planning (the Department) is currently reviewing the Seniors Living SEPP, to identify current issues within the policy, and help develop an instrument which enables the effective provision of housing (self-care housing, hostels and residential care facilities) that will:

- Increase the supply and diversity of residences that meet the needs of seniors or people with a disability,
- Make efficient use of existing infrastructure and services, and
- Be of good design and be affordable.

This review follows the State Government's decision in late 2005 to, in the interim, remove the ability to use the SEPP and its provisions in zones adjoining an urban area for self care components.

As part of the review, the Department issued eleven (11) questions to Councils to obtain feedback. Responses to these questions are outlined below, and will form the submission from Council to the Department.

The Department has provided a very tight timeframe (mid June) in which to provide responses. Therefore, it is advised that Council staff will act on the recommendation from the Policy & Planning Committee meeting.

**Questions and Response**

Some of the following responses reference "A Place for Aging?" a report prepared by Judith Stubbs & Associates. A copy of this document has been placed in the Councillors Room and an executive summary provided with the Councillors Information Folder. It is also available on Council's website under

[www.shoalhaven.nsw.gov.au/council/pubdocs/index/htm#Policies](http://www.shoalhaven.nsw.gov.au/council/pubdocs/index/htm#Policies)

**1. Appropriate locations for housing for older people or people with a disability. Where do you think it should be located?**

- Potential sites for seniors and/or disabled housing should be assessed against specific locational criteria, rather than creating zones for specific housing types. Specific zoning could lead to sterilisation of land and lack of flexibility in planning controls.
- Council's Housing Strategy is currently being implemented via, amongst others, a review of dual occupancy development. The Housing Strategy encourages the subdivision of dual occupancy development where one of the two dwellings is constructed as adaptable housing (in accordance with AS2499). In this way housing that is appropriate to be used as aged housing will be located within areas which already offer higher levels of servicing, and such housing will be dispersed amongst other housing types allowing people of different age demographics to readily mix.
- Developments should be located:
  - in flat areas;
  - close to shops and other services;
  - in close proximity to major services including transport; and
  - near to hospitals and ancillary medical services.

**2. The advantages and disadvantages of locating housing for older people or people with a disability in rural zones adjoining land zoned for purposes. The supply and location of seniors' housing and the impact of locating such housing in rural zones, in particular, the potential impacts on existing settlements and on rural uses, such as agricultural production.**

- Land within rural zones has been zoned specifically for that rural purpose, and rural land is of a greater distance to services and facilities than urban land. Older people and people with a disability have a much higher demand and higher frequency of use for services such as shops and transport than any other group. In many cases it is considered inappropriate for land that is not suitable for urban expansion to be considered for aged care facilities/ housing for people with a disability, unless it meets relevant social/ physical needs of the target groups and satisfies the required environmental assessment.
- Specifically, within the Shoalhaven the majority of rural zones adjoin small towns/villages and with basic/low level services.
- The design outcome of such developments that adjoin rural villages, in relation to rural character and the village's ability to not only provide services in relation to such development, but to continue the level of service to existing residents, is important. In this regard we have seen small villages (eg. Cambewarra Village – see comments below) faced with large retirement village proposals that would dramatically increase their size.
- The previous ability to utilise rural zoned land adjoining an urban areas has seen sites that were previously discounted for urban expansion in a strategic sense considered for seniors housing through the previous provision of the SEPP relating to adjoining zoned land.
- SEPP requirements need to be more performance based. There are no specific criteria supporting principles, nor are there any principles that are upheld in the court decisions in relation to these matters.
- Following is an example of a court approved aged housing development for 160 Self-Care dwellings, 40 Care apartments, 80-bed Nursing home, Community Centre, Retail

Facilities and Associated Recreational Facilities at Lot 3 DP596879, 46 Clarence Street, Berry.

- Subject site is principally land that adjoins land zoned for urban uses. Services are between 1 – 2kms from the proposed residences including the Hospital (over 2kms), the medical practice (1.6kms) and the pharmacy (1.5kms). Public buses are also not available, and residents would be reliant on the buses supplied by the developer. Examples of issues outlined in the assessment summary include:
  - In reference to domiciliary facilities: There is some mitigation offered by the proposed development in that it proposes to provide fee for service flexi-care domiciliary services. However, for those residents who cannot afford or choose not to use these services, there may be limited access to existing community-based services.
  - In reference to communal facilities: The on-site communal and recreational facilities will provide some mitigation from the development's relative isolation from comprehensive services in the local area. However, the impact on GPs and lack of dementia specific services remains an issue.
- Following is an example of a matter which is currently before the Land & Environment Court involving a proposal for Housing for Older People or People with a Disability, for a retirement village comprising 227 self care dwellings including manager's residence, a community centre and associated landscaping on Part Lot 203, DP 883494, Main Road, Cambewarra.
  - *Cambewarra is a small village with a rural setting, limited infrastructure & community facilities and characterised by low density development. (Approx. Population 1057 [Source: 2001 – ABS 2001 Census])*
  - The proposal for the aged care facility presented a de-facto residential development adjoining this village, permissible at the time of DA submission; the development is located on land that adjoins land zoned primarily for urban purposes.
  - It is our belief that the intention of the SEPP is not to allow de-facto residential development within a small village such as Cambewarra.
  - Permissibility of a development this size in a community such as Cambewarra, provides a clear example of how the previous loop-hole in the SEPP (which was subsequently removed in late 2005) undermined strategic planning decisions.

### **3. The supply and location of seniors' housing in rural villages and the impact of the housing in these locations.**

- An example of where this is a concern is Cambewarra Village (as detailed in relation to Point 2 above).
- Issues include impact on character/ lifestyle, lack of services due to demographic shift and design related issues such as visual impact/ bulk and scale.
- Small villages & the corresponding impact of a large scale development must be considered. In a town or village such as Berry or Cambewarra Village (populations in 2001: 1597 & 1057 respectively) the population of an aged care facility would be a significant proportion of the total population - i.e. a facility that accommodated approximately 300 aged/disabled citizens would be proportionately equal to approximately one quarter of the total population of the town. This leads to significant character changes occurring in response to the specific demands on the town by the new development.
- Larger urban areas can absorb the population increments without such large impacts on the character of an area, and therefore increased density (particularly in relation to people within specific age brackets) is more easily accommodated.

**4. The supply and location of seniors' housing in city urban areas and the impact of the housing on these locations.**

- Within urban areas, there can be difficulty associated with attaining large enough sites and a sufficient number of sites to accommodate a viable, affordable development of this kind.
- The provision of smaller integrated sites is more probable (as detailed in response to Point 1 above) in the Nowra/Bomaderry area where necessary services & transport facilities etc are more supportive to such developments.
- The impact of the housing in these locations, if placed in well serviced areas, is much less, than larger facilities being placed on outskirts of towns and in under-serviced and lower populated areas.
- Supply and services are stretched in the Nowra/Bomaderry area. Refer to "A Place for Aging?" document provided. (Section 1.5.4. Service Issues; Section 5; and Appendix F) Key issues outlined in the results of studies for the Shoalhaven are outlined below:
  - Shortage of self care and hostel accommodation, particularly dementia specific, respite and younger disabled care facilities.
  - Inability to attract doctors to the area.
  - Public hospital resources are stretched with respect to management and representation of aged and high need patients. There are also difficulties in placing people in appropriate hostel accommodation.
  - Virtually all health practitioners are at capacity and unable to see new patients in many cases.
  - Most service providers within the Nowra/Bomaderry area have commented on the inadequate public transport issue throughout the Shoalhaven.

**5. Methods or incentives to provide affordable housing for older people or people with a disability.**

- Possible options for consideration include:
  - Providing opportunities to reduce lot sizes to allow dual occupancy in suitable locations (well serviced, public transport etc) where such development is constructed as "adaptable housing" and made available for the aged or disabled.
  - Providing an opportunity to increase densities, for such development, in appropriate locations.
  - Subsidies for/ reductions in fees and charges, but only where it can be demonstrated that the saving is passed on to the end user.
  - Support applications from organisations that specialise in this type of development.
  - Incentives to increase such housing (e.g. with smaller yards and less bedrooms), and adaptable housing (per AS4299), in conventional residential subdivisions, and particularly in close to appropriate services.
  - Establishing a clear hierarchy of service centres based on the availability of retail and community services.

**6. Measures to ensure that housing developed for seniors and people with a disability remains available to the groups.**

- Enforcement is a difficult issue for Councils. There is the opportunity to place conditions on titles, however this would require an effective way to ensure conditions are policed. In some cases, it may be possible to include the operator of the facility as part of the enforcement mechanism.

- Ensure developments (including facilities & design) are targeted towards the appropriate age groups.

**7. Measures to ensure that housing built specifically for older people or people with a disability is occupied by at least one person in that group.**

- See above (response to Point 6).

**8. Ensuring that Local Environmental Plans provide for an adequate amount of appropriately zoned land for housing for older people or people with a disability.**

- Possible options for consideration include:

- The Standard LEP Instrument could address this matter with a specific clause setting locational criteria for such housing development.
- A bonus to be written into LEPs to encourage housing is built specifically to meet requirements of aged and disabled people in the appropriate zones.
- An LEP (or DCP) could provide a bonus if a certain percentage of a development meets design requirements for aged housing and housing for people with a disability, meaning that such housing is not sterilised from other development, rather it is integrated into various types of development.

**9. Requirements for accessibility to transport for each type of housing – self care housing, hostels and residential care facilities – particularly in rural villages and for developments in rural zones.**

- Often community transport facilities are designed and implemented by developers as part of an approved aged care facility/ housing for people with a disability. However over a long period of time the service is often no longer considered viable by the operator and the service is terminated, leaving the cost of the support service on Council and the community. E.g. Clarence St, Berry - A communal bus service was proposed to provide one daily return trip around Berry and regular trips to other places such as Nowra. If this service (over the longer term) proved unviable to the developer, public services would not be sufficient to meet the requirements of the development (in relation to both no. of services and vehicle design needs).

**10. Whether there should be separate requirements – e.g. a separate SEPP – for housing for people with a disability**

- Rather than utilising a separate SEPP for such development (as per the approach long espoused by the Department of Planning as part the Planning Reform process), the Standard LEP Instrument (gazetted 31st March 2006, but currently under review) provides an opportunity for LEPs to include appropriate clauses regarding location, design and service provision.

**11. Other matters relating to the provision of housing for older people or people with a disability.**

- Judith Stubbs & Associates prepared a report for Council titled "A Place for Aging?" in April 2004. This report addresses the social impacts of an aging population specific to the Shoalhaven, and discusses implications for housing, services and the community. This

document will be provided as an attachment to the above comments. It should be noted that whilst this document addresses key issues affecting the Shoalhaven specifically, it is also considered relevant to aging populations in all regional communities.

### Caselaw NSW

Outcomes of contentious development applications, determined in the Land and Environment Court of New South Wales have an important role in upholding the intention of principles within planning legislation, specifically in this case, the Seniors Living SEPP.

Examples of court cases outlined in the table below show an inconsistency in the interpretation of the SEPP. Through the outcomes of development applications being presented through court under this SEPP, loop holes within SEPP are evident. Interpretation is separated from the objectives of the policy, causing irregularities to planning outcomes.

It is suggested strongly that this issue be addressed as part of the review.

Case	Key Issues	Outcome
Pepperwood Ridge Pty Ltd v Newcastle City Council [2005] NSWLEC 257	Construction & Interpretation – Whether SEPP Seniors Living applies to site 1) Whether development site adjoins land zoned primarily for urban purposes. 2) Whether zone objectives identify land in Schl	1) 'While it is true that the site does not abut land that is zoned primarily for urban purposes, I consider that the site is nevertheless in the vicinity of, near to, and adjoins land zoned 2(a) Residential.' 2) Zone objectives describe the site as an area of "conservation" land. SEPPSL does not apply to the site. Note: Term 'adjoin' in this case was discussed with references to previous case <i>Hornsby Shire Council v Malcolm (1986)</i> and then refers back to the dictionary meaning. The two issues here are that the term is not interpreted within the policy, and secondly that it is discussed independently rather than in context of the location.
Carantinos M v Gosford City Council [2004] NSWLEC 150	Development Application: - SEPP 5 Flood prone land; flood evacuation plan, deferred commencement, suitability of site for aged person's development. 1) The development application relies on the provisions of SEPP 5 for permissibility under legislation. [Under local policy - development that needs consent is for the purposes of drainage, dwelling houses, flood mitigation works, utility installations, everything else being prohibited in that zone.]	1. 'I am satisfied in terms of the planning regime, that is council's planning scheme ordinance and the SEPP 5 provisions and having regard to council's <i>Flood Plain Management Plan</i> for the Erina Creek area and the provisions of the <i>State Government's Flood Management Manual 2001</i> that the development application warrants approval and in the Court's assessment there is no reason why consent should not be granted, subject to a deferred commencement as referred to above.'
Neometro Architects and Planners v Gosford City Council [2002] NSWLEC 33 Appeal against decision to refuse consent for medium density dev (8x2 bedroom units) on the	Development Application :- application of SEPP 5 - application of SEPP 1 - setback to arterial road - noise attenuation - resident access to necessary services and facilities - water management issues - waste management issues - vehicular access to site - wetlands - public interest -	1. Appeal allowed with conditions. 2. Considered to be of good location (Close to Gosford Shopping Complex, approx 400m from public transport and / or taxi service to essential services; considered to have reasonable access to community and support facilities; Relationship between cl.12 and cl.25 considered and stated that overall, developments must cater

Central Coast near Gosford.	costs of adjournment.	for the reasonable needs (not minimum) of SEPP 5 residents; Certain design features amended as conditional for application approval. 3. Infrastructure issues: Flooding, parking, drainage, garbage, wheelchair access, increased traffic noise – found negligible.
Rainbow Force Pty Ltd v Baulkham Hills Shire Council [2002] NSWLEC 146	1) Locational: location and access to services 2) Footpath gradient 3) Support services – Applicant argued private support service would be provided. Council gave evidence that current demand was exceeding supply, and providers would be able to meet demand. 4) Design:	Held: Application consent refused. 1) Distance to bus is over 400 metres for occupants at rear of units, and even further if they decide to walk to shops. 2) Footpath route is steeper than the 1:14 slope specified. 3) Not held to be grounds of refusal. 4) Held that considering the few site constraints of the location, the applicant should be better able to maintain better neighbourhood amenity.
Asset Based Securities Pty Ltd v Hornsby Shire Council [2001] NSWLEC 276	1) Locational: No on-site facilities provided, which makes access (to off-site facilities) critical. Wheelchair access to station etc not satisfactory. Would bus service satisfy access requirements? Not for disabled residents if wheelchair access required. Second service / private provider may assist.	Held: Application granted consent with conditions 1) Bus service adequate, but Court held site is not ideal – but no requirement that site be perfect. Notes: Consent granted with conditions: Court stated: Cl.12 sets minimum criteria for access to services and facilities. Yet satisfaction of minimum does not discharge authority from considering wider issues of access. Convenience and amenity with respect to all personas falling under SEPP 5 should be met.
Winter Group Pty Ltd v Kuring Gai Municipal Council [2000] NSWLEC 140	1) Access: access to services / transport etc: Distance more than 400m. (Conflicting evidence regarding distance 550m & 800m to shopping centre.) 2) Wheelchair access on-site: 3) Support Services: 4) Design: Objectors concerned that development would have an unacceptable impact on general amenity – out of ‘kilter’. Court noted that SEPP 5 contemplates that development will be different to existing locality – key consideration is whether the medium density development will produce specific impacts that are so adverse as to be unacceptable.	Held: Application consent granted with extensive conditions 1) Accepted access to facilities and public transport reasonable despite fact that distance is over 400m due to easy, flat walk 2) Ramps and lifts to be provided to enable on-site access facilities 3) No assessment of the capacity of current services given. 4) Court held that the design was reasonable as potential impacts on visual privacy and bulk of scale could be sufficiently mitigated to complement locality character = no grounds for refusal.

Appendix “B” – Caselaw Principles Matrix contained in the Judith Stubbs & Associates Report “A Place for Aging?” refers to NSW Cases under the previous SEPP 5 and the SEPP Seniors Living.

## Conclusion

The above responses to questions raised by the Department identify possible resolutions to issues raised with respect to the provision of housing that meet the needs of seniors or people with a disability and which are specifically appropriate for the City of Shoalhaven. It is considered appropriate to forward these comments to the Department for their consideration.

**RECOMMENDED that Council make a submission to the Department of Planning on the review of the SEPP – Seniors Living 2004 based on issues outlined in the body of the report.**

### 3. Section 94 Major Review – Draft Contributions Plan Amendment No. 91 - Plan Formulation, Administration and Management File 34035

This item was initially presented to Council's Policy and Planning Committee at its meeting of 11<sup>th</sup> April, 2006, but was deferred for a briefing to Councillors. The briefing was held on 4<sup>th</sup> May, 2006.

#### Background to this Amendment

Council is entitled to collect developer contributions for full cost recovery of managing the Section 94 Contributions Plan (project CW MGMT 0001). This includes salaries of Council staff, studies that are done by others to help develop the Plan, and costs of supporting services where these are directly related to the management of the Plan. At present, \$70,000 p.a. is transferred from 'Contributions' to 'Salaries', with the cost of certain studies included in the various other components of the Plan. These costs are in addition to the standard fees and charges that include assessment of development applications.

In the original Contributions Plan of 1993, Plan management costs were estimated and divided by the expected number of new lots created across the City (700 p.a. estimated at that time). This has been indexed each year and currently stands at \$174.07 per Equivalent Tenement (ET).

S94 developer contributions are required for a range of projects, depending on the nature of the development and its location within the relevant Benefit Areas defined in the Plan. These are described in Council's Contributions Manual and summarised as follows:

Section 94 contributions according to type of development		
Industrial	Commercial	Residential
<ul style="list-style-type: none"> <li>• roads</li> <li>• stormwater drainage</li> <li>• Plan management</li> </ul>	<ul style="list-style-type: none"> <li>• roads</li> <li>• stormwater drainage</li> <li>• fire and emergency</li> <li>• car parking (if required)</li> <li>• Plan management</li> </ul>	<ul style="list-style-type: none"> <li>• roads</li> <li>• stormwater drainage</li> <li>• fire and emergency</li> <li>• community facilities</li> <li>• active recreation</li> <li>• passive recreation (open space)</li> <li>• Plan management</li> </ul>



**FACT SHEET**  
May 2007

## **STATE ENVIRONMENTAL PLANNING POLICY (SENIORS LIVING) – DRAFT AMENDMENT**

### **Background and planning context**

For 25 years, the NSW Government has met the ongoing challenge of providing sufficient housing for seniors and people with a disability through a State Environmental Planning Policy.

The State's population continues to age and the number of people with a disability continues to increase as a proportion of the population.

For example, by 2026 the number of people aged 55 and over in New South Wales is expected to increase to 2.6 million, or 32.5 per cent of the population. This represents an increase of 900,000 people over 20 years, or 45,000 people per year – an increase of 53 per cent.

Further, the number of people living with a disability is also expected to increase by almost 40 per cent over the same period.

As a result, it is timely to review whether the current policy appropriately addresses this housing need.

In December 2005, Planning Minister Frank Sartor announced a moratorium on new self-care retirement developments on land adjoining urban land. At the same time, the Minister announced a review of the Seniors Living SEPP to be undertaken by the NSW Department of Planning.

This review has now been completed and an amended draft SEPP has been placed on exhibition for public comment.

### **Changes to the SEPP**

Below are the key changes that have been incorporated into the new draft SEPP following the Department's review:

#### Lifting of the moratorium subject to a Site Compatibility Test

The moratorium imposed in December 2005 is to be lifted to ensure that adequate land is available for the delivery of this important social infrastructure. However, proposed developments in rural areas adjoining towns, villages or outer suburbs must satisfy strict compatibility criteria in order to demonstrate the development will be appropriate to the surrounding area.

All such proposals must obtain a Site Compatibility Certificate from the Director-General of the Department of Planning before a development application can be lodged.

The criteria the Director-General will use to determine the compatibility include access to services, compatibility with the surrounding environment and, in the case of rural lands, the suitability of the land for an urban use.

The criteria can be found in full in a separate fact sheet.

### New requirements for development on rural land

The new draft SEPP requires that seniors living proposals consisting of self-contained units adjoining urban land **must also demonstrate** that the development:

- is for people with a disability; or
- includes a residential care facility (nursing home); or
- is bona fide housing for people aged 55 or above in the form of a retirement village under the Retirement Villages Act.

This new requirement will ensure that development that receives approval through provisions of the SEPP will contribute to satisfying the genuine demand for housing for seniors, for people with a disability and for aged care.

### A more comprehensive assessment of bushfire risk

The proposed amendment brings the SEPP into line with the NSW Rural Fire Service bushfire risk assessment for other types of Special Fire Protection developments which take into account a range of other more relevant criteria such as the surrounding topography, access routes and evacuation procedures.

This more focused and comprehensive bushfire risk assessment will help to open up additional suitable sites for seniors living housing, while ensuring such developments remain safe.

This amendment was recommended by the Rural Fire Services Review Panel which produced the revised guidelines "Planning for Bushfire Protection" at the end of last year.

The Review Panel, which consists of a range of industry, community and government representatives, is chaired by Acting Commissioner of the Rural Fire Service Rob Rogers.

The Rural Fire Service has, however, also recommended that additional land in the Ku-ring-gai council area be excluded from the SEPP due to the presence of greater bushfire evacuation risk (see Bushfire Risk Evacuation Map).

### Sites of State heritage significance

Under the new draft SEPP, seniors living developments would be allowed on sites of State heritage significance subject to approval from the NSW Heritage Council, the statutory body that oversees and protects items of importance to the State's heritage.

The NSW Heritage Office itself requested this amendment as it sees seniors living as a form of development with the potential to deliver improved heritage outcomes by delivering an economic solution to conserving significant buildings or places.

### Registered club sites

The new draft SEPP proposes to allow seniors living development on registered club sites in or adjoining urban lands (but generally excluding clubs on public open space, industrial or listed environmentally sensitive lands) subject to the Site Compatibility Test to demonstrate that they would be compatible with the surrounding area.

As such, they would need to obtain a Site Compatibility Certificate from the Director-General of the Department.

Clubs are usually located in populated areas, well-placed to provide the services necessary to seniors and those with a disability.

Local council exemptions

Seven local council areas currently have exemptions from the SEPP's provisions – Kogarah, Sutherland, Blue Mountains, Ashfield, Hurstville, North Sydney and Strathfield.

Under the new draft SEPP, these exemptions will lapse within 12 months.



**FACT SHEET**  
May 2007

## **STATE ENVIRONMENTAL PLANNING POLICY (SENIORS LIVING) – DRAFT AMENDMENT**

### **Site Compatibility Test – Compatibility Criteria**

#### **1. General criteria**

##### **(1) Availability of retail, commercial and medical services**

Whether or not there are (or will be) retail, community and medical services available to meet the likely demand for such services arising from the proposed development.

(2) Whether or not any such retail, community and medical services are (or will be) consistent with the location and access requirements set out in clause 25 of this Policy in respect of such services.

##### **(3) Availability of transport networks**

Whether or not the transport networks available in the locality of the proposed development are (or will be) adequate to meet the likely demand for transport services arising from the proposed development.

#### **2. Criteria applicable to land zoned primarily for urban purposes**

##### **(1) Application of criteria**

These criteria apply to the assessment of compatibility on land that is zoned primarily for urban purposes.

##### **(2) Impact on adjoining sites**

Whether or not the impact of the proposed development on adjoining sites can be adequately managed.

##### **(3) Building envelopes**

Whether or not building envelopes for the proposed development can be arranged on the site of the proposed development to ensure a development form that responds to the built form of the surrounding area.

#### **3. Criteria applicable to land that adjoins land that zoned primarily for urban purposes**

##### **(1) Application of criteria**

These criteria apply to the assessment of compatibility on land that adjoins land zoned primarily for urban purposes.

##### **(2) Extent of demand for seniors housing**

Whether or not the proposed development is justified by the demand for seniors housing.

##### **(3) Impact on role of adjoining centres**

Whether or not the proposed development will strengthen the role of existing commercial, retail and service functions of any adjoining centre, town or village.

**(4) Relationship to scale and character of existing settlements**

Whether or not the proposed development on the site is appropriate to the scale and character of an existing settlement, taking into account the following:

- (a) the natural and heritage features of the site,
- (b) open space connections and networks linking the development site to the existing settlement,
- (c) the protection of important vistas and scenic landscapes.

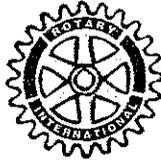
**(5) Contribution to service utilisation**

Whether or not the proposed development on the site contributes to the utilisation of services, facilities and infrastructure of an existing settlement.

**(6) Appropriateness for urban land use**

Whether or not the proposed development is appropriate for an urban land use, taking into account the following:

- (a) any potential loss of agricultural land,
- (b) any environmental hazards on or affecting the site (including bushfire and flooding),
- (c) the protection of significant environmental values, including (but not limited to) endangered ecological communities, water supply catchments and the catchment of coastal lakes,
- (d) any potential loss of natural resources, namely, mineral resources, extractive resources or water resources,
- (e) the ability to provide water, sewer, power and telecommunications services to the site,
- (f) any potential sterilisation of future employment or industrial lands.

**ATTACHMENT A****LEAD THE WAY**

**ROTARY CLUB OF BERRY-GERRINGONG INC  
DISTRICT 9710**

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PO Box 42  
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**Shoalhaven City Council**

Received *S*

- 8 MAY 2007

File No. 1366 - 03

Referred to: *R*

Dear Mr Pigg,

**David Berry Hospital Walkway Project**

I am writing this letter on behalf of President Noel Marshall, the club's Board of Directors and the members of the Rotary Club of Berry-Gerringong in regard to the proposed David Berry Hospital Walkway Project in which it is envisaged that it will provide a path, for the local community and family members of patients accommodated in the DBH, from the Princes Highway adjacent to the Bangalee Motel to the gate of the Hospital. The specific purpose of this letter is to seek the Shoalhaven City Council's support and assistance in making the walkway a reality.

The Project has been under consideration for about two years and, it is understood that the club's former Community Service Director, Jim Inglis, and the late Richard Guthrie had introductory talks with Councillor Greg Watson, the Mayor, and other officers of the City Council but, although the club's expectations were high, nothing positive has been achieved or accomplished and, at this time, the project remains but a figment of our imagination.

Jim Inglis, as previously intimated above, has now relinquished the position of Community Service Director because of ill health and John Sullivan, a member of the club who is a prominent businessman in Berry, has accepted the responsibility to coordinate and progress this project to a successful conclusion thus providing a much needed facility for the local community.

John Sullivan has in a comparatively short period rejuvenated the project. He, too, has spoken with Councillor Greg Watson and another officer of the City Council, Rob Sutherland, it is understood. A Grant was applied for from the NSW State Government through the services of the State Member for Kiama, Mr Matt Brown, and I am delighted to advise that a Cheque to the value of \$7,500.00 has been received under the signature of the Premier of NSW; Mr Morris Iemma.

In parallel with the above, alternative sources of funding are currently being investigated and other financial support is being actively sought in the local community through donation and corporate sponsorship.

A matter of particular concern to the club is that on receiving the Grant from the State Government, the club was advised that it was necessary for the Grant to be expended or, as we have interpreted the instruction, its use must be clearly defined within six months of receipt of the cheque. Already one month, at least, has passed and sadly we are no further advanced in our endeavours.

May I respectfully request, on behalf of Coordinator John Sullivan, that a meeting be arranged with you and designated members of the Council's staff as appropriate. John Sullivan, myself and other appropriate members of the Rotary club would attend and participate to discuss the project in principle, the route from the Highway to the Hospital, the expected cost of construction, additional funding sources, the possible requirement for a DA and other matters as considered relevant by you and the Council staff.

Your attention to this request to convene a meeting will be greatly appreciated as will your advice and assistance in helping the club to expedite the construction of the proposed pathway that our members have envisaged for a considerable period of time.

Yours Sincerely,



PP LEN BOLDEN, AM  
Secretary

3<sup>rd</sup> May 2007

**ATTACHMENT B.**



**LEAD THE WAY**

**ROTARY CLUB OF BERRY-GERRINGONG INC  
DISTRICT 9710**

PO Box 81, Berry, NSW 2535  
Tel: 02 4232 1175  
Fax: 02 4232 1614  
Email: bolden77@tpg.com.au

**President:**  
Noel Marshall

**Secretary:**  
Len Bolden, AM

John Gould  
Assistant General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Dear John,

**David Berry Hospital Walkway Project :**

**Reference:** Club's Meeting with you and Council Officers on Tuesday 22 May 2007

Subsequent to our discussions with you and other Council staff at a meeting on Tuesday 22<sup>nd</sup> May 2007, I am requesting, on behalf of President Noel Marshall and the Board of the Rotary Club of Berry-Gerringong, for approval of the club's proposal to build a Walkway from the DBH to the intersection where Pulman Street joins with the Princes Highway, so that patients and members of the community will be able to traverse, on foot or in wheelchairs, this section with some degree of safety.

It is requested that Council, if approval is given, provide an appropriate design and plan for the project and any relevant advice as to other requirements associated with the proposed project.

The Rotary Club wishes to advise that, if approval is given, it will seek sponsorship for the project both of a financial nature and by material donation from Contractors and other organisations within the local community. Your advice as to whether the Council can provide any financial assistance in support of the project will also be most welcome.

42

You are aware, as we discussed last week, that the club has already received a Grant of \$7,500.00 from the NSW State Government, however, you are also aware that there is a time restraint on the use of that Grant and that will expire in approximately two months plus or minus a few days. For this reason alone, it is imperative that, if approval of the project is given, work should be initiated as soon as possible!

The Rotary Club has a blanket Insurance cover associated with all the Rotary Clubs in Australia and a copy of the Certificate of Currency is attached for your information. If required a copy of the full Policy will be acquired and forwarded to the Council if and when required.

Your advice as to the club's responsibility in regard to Work Cover requirements relating to the proposed project will be greatly appreciated. This is a particularly important aspect, it is supposed, as it is the club's stated intention to use voluntary labour to progress the project to completion.

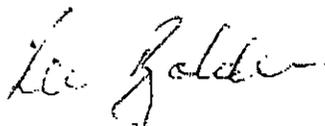
The club has made contact with the General Manager of the David Berry Hospital in regard to the proposed project and it is understood that a letter of support will be forthcoming in the near future and it will be forwarded to you for information and in support of this project.

It is hoped that this request contains the information that is required by Council in its deliberations and in consideration. Should additional information be required, the club would welcome your advice at your earliest opportunity and you can be assured that a response will in turn be forthcoming also at the very earliest opportunity.

May I reiterate and emphasise that the conditions applicable to the Grant received from the NSW State Government require that a report be forwarded within six months of receiving the cheque. As previously stated, this deadline is fast approaching and the club is anxious, for this very reason, to ensure that the proposed project, if approved, is initiated, progressed and completed.

May I thank you and the associated Council staff for the support and assistance that has so far been received. Your help has indeed been appreciated and, likewise, your further advice will be equally welcome.

Yours Sincerely,



PP LEN BOLDEN, AM  
Secretary

29<sup>th</sup> May 2007

Enclosure: Rotary Insurance Certificate of Currency

WORKS AND FINANCE COMMITTEE

TUESDAY, 21ST JANUARY 2003

**ATTACHMENT C**

CITY SERVICES

**Traffic & Transport**

**1. Proposed Footpath Linking Berry to David Berry Hospital**

**File 4792**

A request has been received for the construction of a footpath from the entrance of the Berry Bowling Club to Berry Hospital. The total length of the proposed route is 1230 m. A detailed investigation of the proposed route revealed potential problems with its construction, making it more costly than the construction of footpaths in urban areas.

The proposed route can be broken down into six (6) sections:

**Section 1 - Berry Bowling Club to Broughton Mill Creek Bridge**

There is an existing footpath on the southern side of the Princes Highway which ends at the entrance into the Berry Bowling Club. This footpath is the link back to the village of Berry. The footpath is approximately 1.2 metres wide.

Immediately east of the driveway into the Berry Bowling Club there is a wide/deep stormwater drain running along the boundary fence of the Berry Bowling Club. There would be a need for the proposed footpath to extend over this drain which would require the extension of the existing culvert and headwall. The footpath would then continue east between a row of trees which have tree roots exposed in places that would require attention.

At the intersection of Woodhill Mountain Road/Princes Highway the proposed footpath would need to be located outside the line of a future possible widening of the intersection. The widening would appear necessary due to the continual degradation of the shoulder in this location caused by through vehicles diverting around vehicles waiting to turn right into Woodhill Mountain Road, however, Roads and Traffic Authority have no plans for upgrade of the intersection. The pathway proposal will require relocation of the directional signage and construction of kerb and gutter to define the roadway in the passing area and protect pedestrians (from through vehicles in a blind spot west of the bridge). The kerb and gutter would extend to the bridge completing section 1 (approximately 255m).

Estimated Cost 1.2m footpath      \$52,000  
Estimated Cost 2m shared pathway   \$68,000

**Section 2 - Broughton Mill Creek Bridge to Pulman Street**

The width of the footpath is 1.53 metres wide over the bridge.

Kerb and Gutter will also be required on the eastern side of the bridge to protect pedestrians from conflict with vehicles. It is expected that K&G would extend around and terminate at Pulman Street, a total length of only 66m.

Estimated Cost 1.2m footpath	\$20,000
Estimated Cost 2m shared pathway	\$24,000

Section 3 - Pulman Street into Tannery Road to a point along the flat approximately 310m from Pulman Street

The pathway could continue into Tannery Road down the hill and along the flat on the southern side of the road. Approximately 80m prior to the railway crossing (west side) appears to be the safest location along the entire route for the footpath to cross back to the northern side of the road. Sight Distance (although not great) is acceptable in this location. A concern however is that recent traffic surveys have determined that travel speeds in this area are well in excess of the 50km/hr sign posted speed limit. Total length of this section is approximately 310m

Estimated Cost 1.2m footpath	\$31,000
Estimated Cost 2m shared pathway	\$51,000

#### **Section 4 - Proposed crossing approximately 80 west of railway crossing to culvert east of railway crossing**

This section includes the crossing of Tannery Road approximately 80m west of the railway bridge to the northern side of Tannery Road. The proposed pathway could then be constructed to the northern side of the railway bridge pylon and continue on the northern side around the first curve in Tannery Road after the crossing terminating at the culvert located approximately 80m east of the railway bridge (approximately 160m in total this section).

Estimated Cost 1.2m footpath	\$16,000
Estimated Cost 2m shared pathway	\$26,000

#### **Section 5 - Culvert east of railway bridge to Broughton Creek Bridge**

This section continues along Tannery Road on the northern side and links the culvert east of the railway bridge to Broughton Creek Bridge (approximately 157m this section). Footpath ramp access to the bridge crossing is required

Estimated Cost 1.2m footpath	\$17,000
Estimated Cost 2m shared pathway	\$27,000

#### **Section 6 - Broughton Creek Bridge to Hospital**

Footpath ramp access to the bridge crossing is required at the eastern end of Broughton Creek Bridge as well. The proposed pathway could then continue on the northern side of Tannery Road linking with David Berry Hospital (approximate length of 172m this section)

Estimated Cost 1.2m footpath	\$18,000
Estimated Cost 2m shared pathway	\$29,000

Total pathway length approximately 1120m plus total approximate bridge length (both bridges 110m) gives the total estimated route length of 1230m

#### **Total Cost Estimates**

Full length of route (Berry Bowling Club to David Berry Hospital):

Estimated Cost 1.2m footpath	\$154,000
Estimated Cost 2m shared pathway	\$225,000

Sections 1 and 2 only:

Estimated Cost 1.2m footpath	\$72,000
Estimated Cost 2m shared pathway	\$92,000

### **Shoalhaven Pedestrian Access and Mobility Plan (PAMP) Study**

The Roads and Traffic Authority confirmed in November 2002 that \$15,000 funding would be made available this financial year to complete Stage 2 of the Shoalhaven PAMP. Total funding available is \$30,000 (including Council allocation). A Single draft brief has since been prepared combining the Cycleway Strategy Review and the PAMP. Proposals are expected to be returned in early February.

Upon completion, Stage 1 and 2 of the PAMP will be combined to form a single PAMP for Shoalhaven City. Projects will be ranked according to existing and forecast demand (usage), conflict with vehicles considering the volume, mix of traffic and traffic speeds, safety concerns including location of crests / curves and other hazards, use by children and the elderly, use of path as commuter route (to employment centres/schools etc), proximity to schools, proximity to other major generators including shopping centres, sports facilities and other community facilities (including hospitals) etc, and combined footpath / cycle demand.

It is not expected that the proposed pathway linking Berry to David Berry Hospital would rank highly when considering other competing City wide priorities. However, sections 1 and 2 linking Pulman Avenue to the CBD would rate High.

### **Roads and Traffic Authority advice**

Upon request for funding assistance from the RTA towards the upgrade of Woodhill Mountain Road intersection as part of this project, the RTA have advised that:

- The RTA would generally not fund footway or kerb and gutter works.
- An application and detailed proposal should be forwarded to the RTA for contribution for works at the Woodhill Mountain Road intersection
- Funding is unlikely in 2003/04, however, earlier funding may be available if there is a history of pedestrian accidents.

The 5 year accident history (1/4/97 to 31/3/02) indicates there have been 4 accidents within 30m of Broughton Mill Creek Bridge (2 head-ons (DCA 201), 1 rear-end (DCA 301) and a run-off-road (DCA 803)) for the same period. There have been no accidents involving pedestrians and it is generally understood that pedestrian usage in this area is very low.

### **Summary**

The section from Pulman Avenue into the CBD does rate High using the adopted footpath priority ranking method. It is appropriate to consider including this section in the draft 2003/04 Capital Works Program and to develop a proposal for application for assistance from the RTA.

The section from Pulman Avenue to the Hospital does not rate High priority and its need can be considered in PAMP Stage 2. The cost of concrete and other materials for this section(s) is about \$15,000 and it is not considered appropriate to construct it using volunteer labour.

**RECOMMENDED that**

- a) **The concept of providing a pathway linking David Berry Hospital to Pulman Avenue be deferred at this time and reviewed again in context with City Wide priorities as determined at the completion of PAMP Stage 2 (expected to be completed by June 2003).**
  
- b) **A further report on the footpath projects to be included in the draft 2003/04 Capital Works Program be submitted to Council prior to the exhibition period for the Management Plan and that report give consideration to the inclusion of the section from Pulman Avenue to the CBD.**

52. (Page 13, Item 20) Proposed Footpath Linking Berry to David Berry Hospital File 4792, 27846

This item was withdrawn and dealt with separately.

**RECOMMENDED that**

- a) **The concept of providing a pathway linking David Berry Hospital to Pulman Avenue be deferred at this time and reviewed again in context with City Wide priorities as determined at the completion of PAMP Stage 2 (expected to be completed by June 2003).**
- b) **A further report on the footpath projects to be included in the draft 2003/04 Capital Works Program be submitted to Council prior to the exhibition period for the Management Plan and that report give consideration to the inclusion of the section from Pulman Avenue to the CBD.**

**RESOLVED on a MOTION of Clr Arnold, seconded Clr Bange, that the recommendations of the Works & Finance Committee be adopted.**