

# EXPLANATORY STATEMENT

Planning Proposal (PP052)

Part of Lot 6 DP 1204186 (10 Victoria Street) Berry



www.shoalhaven.nsw.gov.au

Shoalhaven  
City Council

## Overview

Council is seeking community feedback on a Planning Proposal (PP052) to rezone part of the subject property (approximately 7,665 m<sup>2</sup>) to R2 – *Low Density Residential* to allow residential use of the land for seniors housing. The land is currently zoned RU1 - *Primary Production* under the Shoalhaven Local Environmental Plan (LEP) 2014 and situated at the north-east corner of Lot 6, DP 1204186. The existing 'Arbour Retirement Village' is centrally located on the same property.

The PP also proposes to amend the minimum lot size and height of building controls currently applying to the land under the LEP. The RU1 zoning and associated planning controls applying to the residue of Lot 6 DP 1204186, will remain unchanged.



Figure 1 - Subject land and aerial photo

## Background

In 2019, Mbark (the Proponent) initially applied for a **Site Compatibility Certificate** (SCC) under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) to allow an additional eleven (11) freestanding seniors housing dwellings to be constructed on the subject land.

The SCC process is managed by the MSW Department of Planning, Industry and Environment (DPIE) and is determined by the Southern Regional Planning Panel (SRPP). Mbark's SCC application was referred to Council for comment by DPIE in mid May 2019. Council did not object to the extension of seniors housing on the property.

However, the SRPP refused the SCC application on 8 October 2019, concluding that it did not satisfy the criteria of the Seniors Housing SEPP. The reasons for the SRPP's decision are summarised in the Planning Proposal. A Local Environmental Plan (LEP) amendment or the Seniors Housing SEPP are the only statutory mechanisms available to facilitate use of the land for residential use.

As an alternative to the SCC process, this PP seeks to allow low-density residential use of the land for seniors housing with a minimum lot size of 500 m<sup>2</sup>.

On 3 March 2020, Council resolved (MIN20.161) to support the proposed rezoning in principle; prepare a PP for Gateway determination; and if granted, to complete an Aboriginal Cultural Heritage Assessment (ACHA) prior to exhibiting the PP. Gateway determination was issued on 30 April 2020. The ACHA was received on 18 September 2020 and no changes were required to the proposal. Thus, community feedback is now being sought on the proposal before it is reconsidered finalised by Council.

## Proposed LEP Changes

The following amendments to the Shoalhaven LEP 2014 are proposed:

1. Rezone the subject land from RU1 – Primary Production to R2 - Low Density Residential (Figure 2)
2. Amend the minimum lot size map to reduce the minimum lot size from 40 ha to 500 m<sup>2</sup>
3. Reduce the height of buildings from 11 m to 8.5 m

Note: The existing 11 m maximum height of buildings control is set out in Clause 4.3(2A) of the LEP as the Height of Buildings Map does not currently show a mapped maximum height over the subject land.

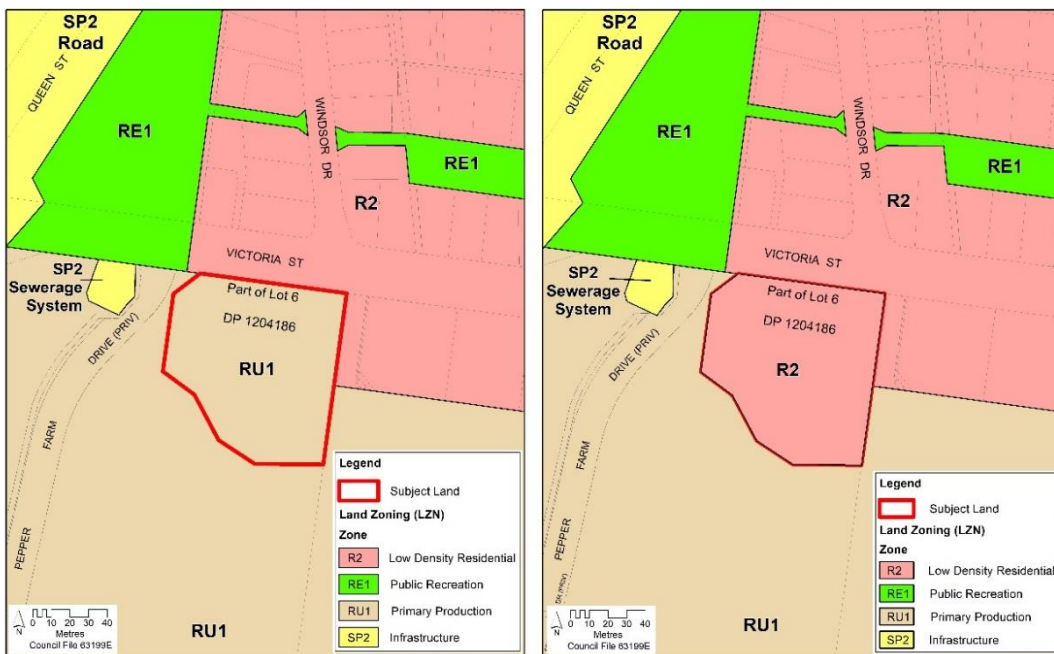


Figure 2 Proposed Zoning Change – existing (left) and proposed (right)

## Exhibition Documents

The Planning Proposal is on public exhibition from **Wednesday, 4 December** until **Friday, 18 December 2020** (inclusive). The Planning Proposal is available for viewing online at [www.shoalhaven.nsw.gov.au/My-Council/Public-exhibition/Documents-on-exhibition](http://www.shoalhaven.nsw.gov.au/My-Council/Public-exhibition/Documents-on-exhibition).

The exhibition package includes:

1. Planning Proposal (PP052) – 10 Victoria Street, Berry (The Arbour Retirement Village)
2. Gateway Determination dated 30 April 2020
3. This Explanatory Statement
4. Public Exhibition Notification
5. Aboriginal Cultural Heritage Assessment

## Have your say

You are encouraged to view the documents and provide a written submission during the exhibition period. Submissions should be made in writing and include Council's reference **63199E**.

**Post:** The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541

**E-mail:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

**Website:** via the form on the Exhibition page at <http://shoalhaven.nsw.gov.au/My-Council/Public-exhibition/Documents-on-exhibition>

All submissions must be received by **5pm, Friday 18 December 2020**.

Please note that correspondence submitted to Council on this matter may be open to public inspection without notifying the correspondents. Pre-printed form letters, which have been individually signed will be considered but not formally acknowledged. All persons who lodge a submission are required to declare any relevant political, donations and/or gifts in accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*.

## Further information

For further information, please contact either:

Maggie Chapman, City Futures at [maggie.chapman@shoalhaven.nsw.gov.au](mailto:maggie.chapman@shoalhaven.nsw.gov.au) (Monday-Wednesday); or

Eric Hollinger, City Futures at [eric.hollinger@shoalhaven.nsw.gov.au](mailto:eric.hollinger@shoalhaven.nsw.gov.au) or ph: (02) 4429 3320.

Please quote Council's reference **63199E**.