



9 July 2010
Our Ref: 6376B.22DK

The Director-General
Department of Planning
GPO Box 39
Sydney 2000

Attention: Emma Barnet

Dear Emma,

Section 75W Modification of Concept Plan Approval (MP06_0060) and Project Approval (MP06_0058)

Vincentia Coastal Village & District Centre, Corner of Wool Road and Naval College Road, Vincentia - Western Village

We refer to previous correspondence between Don Fox Planning (DFP) and the Department of Planning (the Department) regarding proposed modifications to the approved residential subdivision layout at Vincentia. This letter has been prepared in accordance with the provisions of s.75W(2) of the *Environmental Planning & Assessment Act* (the Act) to request that the Minister for Planning (the Minister) modify the Concept Plan Approval (MP 06_0060), the Project Approval (MP06_0058).

This application is one two applications to be submitted. The applications are independent of each other and the applications can therefore be determined separately and independently.

1. Minor modification to the subdivision layout of the Western Precinct and pedestrian footpath locations (**subject application**); and
2. Modification to the approval to include additional land fronting Naval College Road, revision of the layout in Stage 3 of the Central Precinct and amendments to the approved Statements of Commitment.

Details and assessment of the subject application for the Western Precinct follows.

1.0 Reason for the Proposed Modification

The main reasons for the proposed modification to the subdivision layout are:

- Construction experience from early stages has lead to minor amendments to the road reserve layout. In particular, Stockland has rationalised the central island verges in the lower order local roads to reduce the future on-going maintenance for Council, and instead consolidate these verges into one area which will be more practical to manage and make a more significant landscape statement for the subdivision.
- The location of the sewer pump station site on the western side of the Western Village is now more certain and requires a revision of the layout to incorporate the required buffer to the pumping station.
- Housing typologies have evolved since Project Approval and minor changes to the lot configuration are proposed to accommodate the new housing typologies. It should be noted



that the density is effectively the same and a diversity of lot type is still provided within the subdivision.

- The changes to lot type are very minor, but collectively they result in a shifting of the street layout, however this does not materially change the urban structure as approved in the Concept and Project approvals.

Therefore there have been a number of factors that have collectively led to the need to revise the subdivision layout.

2.0 Summary of Proposed Modification

Western Village

The proposed changes to the approved residential subdivision layout are detailed as follows:

- Provision of four super lots that will be the subject of future development application(s) potentially for multi dwelling housing. The super lots are located at the centre of the Western Village (north of Halloran Street and west of the public reserve) and are numbered 753-756 inclusive. They are proposed to replace approved standard residential lots;
- Reconfiguring the subdivision layout throughout the Western Village to facilitate the removal of the narrow lot product serviced by rear lanes to respond to market demands;
- Reconfiguring the subdivision layout throughout the Western Village and rationalising a number of the small landscaped verges previously approved. The modified subdivision layout proposes that the small landscaped verges at the eastern and western ends of the street blocks in the Western Village be consolidated and replaced with one large landscaped reserve at the western end of Halloran Street;
- Minor realignment of the central ridge (spine) road north of Halloran Avenue but retaining the landscaped verges and median islands maintaining the landscape function and design intent; and
- Reconfiguring the subdivision layout along the western edge of the Western Village and rationalising the small landscaped verges in order to accommodate a buffer to the sewer pumping station as required by Shoalhaven Water.
- Extending the subdivision footprint slightly to the south into the R2 zoned land.

Footpath Location

The Concept Plan and Project application Environmental Assessment Report contains a footpath location plan which forms part of the approval and is referenced by certifiers when issuing Construction Certificates. The following three minor amendments are proposed to the footpath location:

1. Relocation of the 1.2m wide footpath crossing the creek between the Central and Western Villages. The path will be relocated from the southern side of Halloran Avenue to a path located within the open space still connecting with the footpaths in each village but removing pedestrians from the roadway.
2. Deletion of the footpath on the eastern side of Moona Creek Road just north of the district centre car park. This is proposed to be deleted as the footpath provides access to only 20 lots (to be amended to 9 lots) and does provide a connection to the district centre as it terminates at the roundabout. The footpath on the western side of Moona Creek Road will provide the pedestrian connection.
3. Removal of the bushland edge path around the perimeter of the lots in Stage 3 (northern end of Moona Creek Road).



3.0 Background

A combined Concept Plan and Project application was approved by the Minister for Planning on 25 January 2007, and has been modified under Section 75W on a number of occasions. Amongst other things, the original approval was for a 604 lot residential subdivision, however the approved yield has since been reduced to 603 lots. The Concept Plan and Project approvals were last modified on 11 December 2009.

A s.75W modification application was lodged with the Department in April 2010 seeking consent to modify the Project approval (MP 06_0058) to reflect an adjustment of the lot layout in part of Stage 5 of the Western Village. This application has been withdrawn and the amendments to Stage 5 are incorporated into this subject modification.

The proposal the subject of the s.75W modification application detailed herein seeks the Minister's consent to modify the Concept Plan Approval (MP 06_0060), Project Approval (MP06_0058).

The application form is attached to this letter at **Attachment 1**.

4.0 Subject Site

The land to which the Concept Plan and Project approval relates included the following parcels:

- Lot 801 DP 1022286
- Lot 802 DP1022286
- Lot 72 DP 874040
- Lot 73 DP 874040
- Lot 74 DP 874040
- Lot 75 DP 874040

The abovementioned parcels have been further subdivided as development of the early residential stages has progressed. The land to which the s.75W relates is now known as Lot 321 DP1141762.

Land owner's consent to the lodgement of the s.75W application is provided on the application form at **Attachment 1**.

5.0 Proposed Modification to Concept Plan and Project Approvals

A copy of the amended residential subdivision layouts for the Central and Western Villages is provided at **Attachment 2**. The proposed lots along Naval College Road (the subject of a separate application) are illustrated in faded lines for contextual purposes. A copy of the approved subdivision layout is provided at **Attachment 3**. An overlay of the approved and proposed layouts is also provided in **Attachment 3** which assists in identifying the modifications described below.

The proposed modifications will result in:

- a reduction in the number of residential lots from 603 to 582;
- a minor reconfiguration of the subdivision layout to take into account the next s.75W modification which will add a further 21 lots in the residentially zoned land fronting Naval College Road which will maintain the approved lot yield of 603. The addition of this land has allowed the subdivision to spread out but retain the same lot yield;



- the replacement of some of the standard residential lots with 4 super lots which will be the subject of future development application(s) potentially for multi dwelling housing;
- minor changes to the road layout (removal of rear lanes) and rationalisation of the landscaped verges retaining the general pattern of the approved road layout and structure;
- provision of a buffer around the sewer pumping station in accordance with Shoalhaven Water's requirements; and
- minor amendments to footpath locations (Refer **attachment 4**).

The modifications sought to the Concept Plan and Project approvals would require.

- Amending the approvals to reference 582 residential lots.
- Amending the approvals to reference the revised residential subdivision layout plans.
- Amending the footpath location plan.

6.0 Consistency with the Concept Plan and Project Approvals

The proposed modification is considered to be generally consistent with the Concept Plan and Project approvals issued in relation to the Vincentia Coastal Village & District Centre for the following reasons:

1. Despite the reconfigurations made to the subdivision pattern, the residential subdivision layout for the Central and Western Villages will remain conceptually similar to the approved layout.
2. Although the lot yield has reduced, the lot yield is proposed to be increased back to 603 lots with the subsequent s.75W to utilise residentially zoned land along Naval College Road to provide 21 lots. It is also noted that the objective of diversity in product is still able to be achieved through the incorporation of super lots for future multi dwelling housing.
3. The road layout, structure and hierarchy is consistent with the Concept Plan and Project approvals with the principle of the central spines and perpendicular roads leading off these central spines being retained.
4. Notwithstanding the modified residential subdivision layout, associated amended APZs and the rationalisation of some of the landscaped verges, water sensitive urban design measures can still be implemented consistent with the terms of the approval.
5. The amended footpath locations do not affect the pedestrian connectivity objectives of the Concept Plan and Project application approvals.

The Department of Planning has specifically requested justification for the proposed amendments to the landscape verges. **Attachment 3** assists in identifying the changes to the verges.

The landscaped verges as originally proposed were not designed or located to perform an ecological function. The Environmental Assessment Report (EAR) dated February 2006 prepared by ERM explains that the main ecological outcome of the subdivision was the preservation of a core environmental zone which lies outside of the residential subdivision footprint. The EAR sets out the mitigations measures incorporated into the subdivision to manage ecological constraints including various management plans, location of asset protection zones and progressive staging of the subdivision. In addition, the retention of existing trees and enhancement of bushland where possible was a guiding principle also carried through to the landscape masterplan. The EAR notes that this mitigation measure included:

- The retention of significant areas of existing trees and understorey to retain the dominant bush landscape and character; and

- Residential lots of a sufficient size to allow for the retention of trees where possible.

In addition the landscape masterplan incorporates the use of appropriate indigenous vegetation which is an outcome that can be achieved regardless of the location of the verges.

There approved landscaped verges were not designed to act as a habitat corridor or perform an ecological function or an ecological connection with the core environmental zone. They were located to perform an urban design function to achieve a bushland landscape and character. Their location was therefore not strategic in an ecological sense.

The proposal retains the use of a central landscape median along the spine road providing opportunities to achieve the bush landscape character. **Figure 1** below illustrates how the bush landscaped character has been achieved along the spine road in the Central Village. The same outcome is capable of being achieved with the landscaped spine road through the centre of the Western Village.



Figure 1: Bush landscape character along spine road, Central Village

Figure 2 illustrates the park edge landscape treatment where the Central Village adjoins the central public open space. The same design outcome is capable of being achieved for all park edge roads in the Western Village (i.e. the perimeter of the subdivision).



Figure 2: Landscape character achieved to park edge roads in Central Village

The island verges at the 'T' intersections along the western edge of the approved subdivision layout are proposed to be rationalised into one large landscaped feature at the western end of Halloran Avenue. As noted above, each of the island verges were not designed to perform an ecological function. Their rationalisation can more effectively facilitate the retention of vegetation and would also allow more efficient on-going management and maintenance of the landscaped areas which will ultimately become Council's asset and responsibility.

The principle of retaining existing vegetation within the verges is not compromised and can be enhanced with native planting consistent with the landscape masterplan.

The modifications proposed are therefore not considered to undermine the landscape objectives of the Concept Plan and Project approvals and is in turn considered to be consistent with those approvals.

7.0 Summary and Conclusion

The proposed modification to the Concept Plan and Project approval is submitted in accordance with the provisions of s.75W of the Act to request that the Minister modify the Concept Plan Approval (MP 06_0060), the Project Approval (MP06_0058) and the Statement of Commitments that relate to the Vincentia Coastal Village & District Centre development.

The proposed modifications to the approval are considered to be consistent with the approval and are not expected to give rise to any adverse environmental impacts.



Should you have any questions in relation to this application please do not hesitate to contact David Kettle or Katherine Sheppard on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LIMITED

A handwritten signature in black ink, appearing to read 'D. Kettle', written over a light blue horizontal line.

**DAVID KETTLE
SENIOR TOWN PLANNER**

dkettle@donfoxplanning.com.au

A handwritten signature in black ink, appearing to read 'Katherine Sheppard', written over a light blue horizontal line.

Reviewed: _____

Encl.

- | | |
|---------------|--|
| Attachment 1. | Application form |
| Attachment 2. | Amended residential subdivision layouts for the Western Village |
| Attachment 3 | Approved subdivision layout and overlay of approved and proposed subdivision layouts |
| Attachment 4 | Amended Footpath Location Plan dated 15 June 2010. |



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ATTACHMENT I

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

Stockland Development Pty Ltd

ABN

ACN 000 181 733

☐ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Alex

Family name

Maffi

Position

Assistant Development Manager

STREET ADDRESS

Unit/street no.

133

Street name

Castlereagh Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

Level 25, 133 Castlereagh Street

Suburb or town

Sydney

State

NSW

Postcode

2000

Daytime telephone

9035 3155

Fax

8988 3155

Mobile

0434 183 855

Email

alex.maffi@stockland.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Cnr The Wool Road & Naval College Road

Suburb, town or locality

Vincentia

Postcode

2450

Local government area(s)

Shoalhaven City Council

State Electorate(s)

South Coast

REAL PROPERTY DESCRIPTION

Lot 321 DP1141762

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Concept Plan and Project Approval for a 604 lot residential subdivision and district centre.

Concept Plan (MP06_0060) and Project Approval (MP06_0058)

What was the original project application no.?

MP06_0060 and
MP06_0058

What was the date of the approval?

25 January 2007

What was the original application fee?

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

Modification to the approved subdivision layout to the Western Village.

(a) Amend the approval to reference 582 lots

(b) Amend the approval to reference the revised residential subdivision layout plans.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$0

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

Nil

Operational jobs (FTE)

Nil

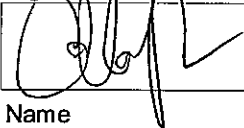
6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Lot 321 DP1141762

Signature



Name

Alex Maffi
Assistant Development
Manager, Stockland

Date

09/06/10

Land

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

- ☐ Yes
☒ No


Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

Alex Maffi
Assistant Development
Manager, Stockland

Date

09/06/10

In what capacity are you signing if you are not the
proponent

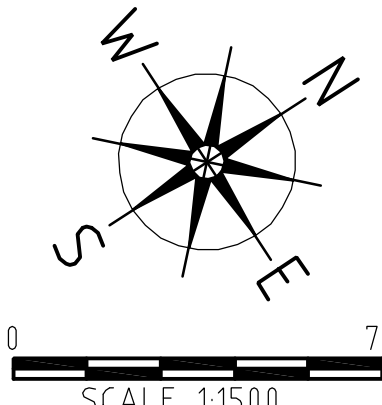
Name, if you are not the proponent




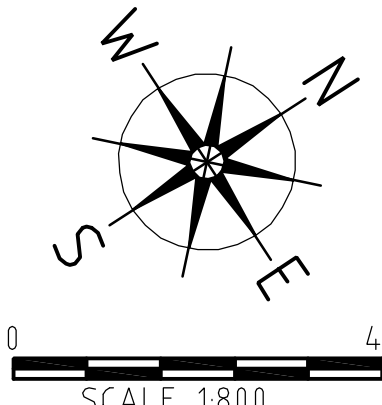
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ATTACHMENT 2

DO NOT SCALE
IF IN DOUBT ASK



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2	10/06/10	AJM	MAK	WESTERN PRECINCT LAYOUT UPDATED	DRAWN BY	AJM	21/04/10			for		Project No. Com No. Drawing No. REV			
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					FINAL APPROVAL	MAK	22/04/10								
					APPROVAL										



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					DESIGN CHECK	MAK	22/04/10								
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ATTACHMENT 3

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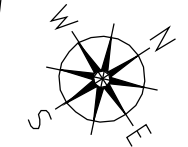
APPROVED LAYOUT
PROPOSED LAYOUT

SEWER PUMP
STATION SITE



HALDRAN

STREET

PUBLIC
RESERVE



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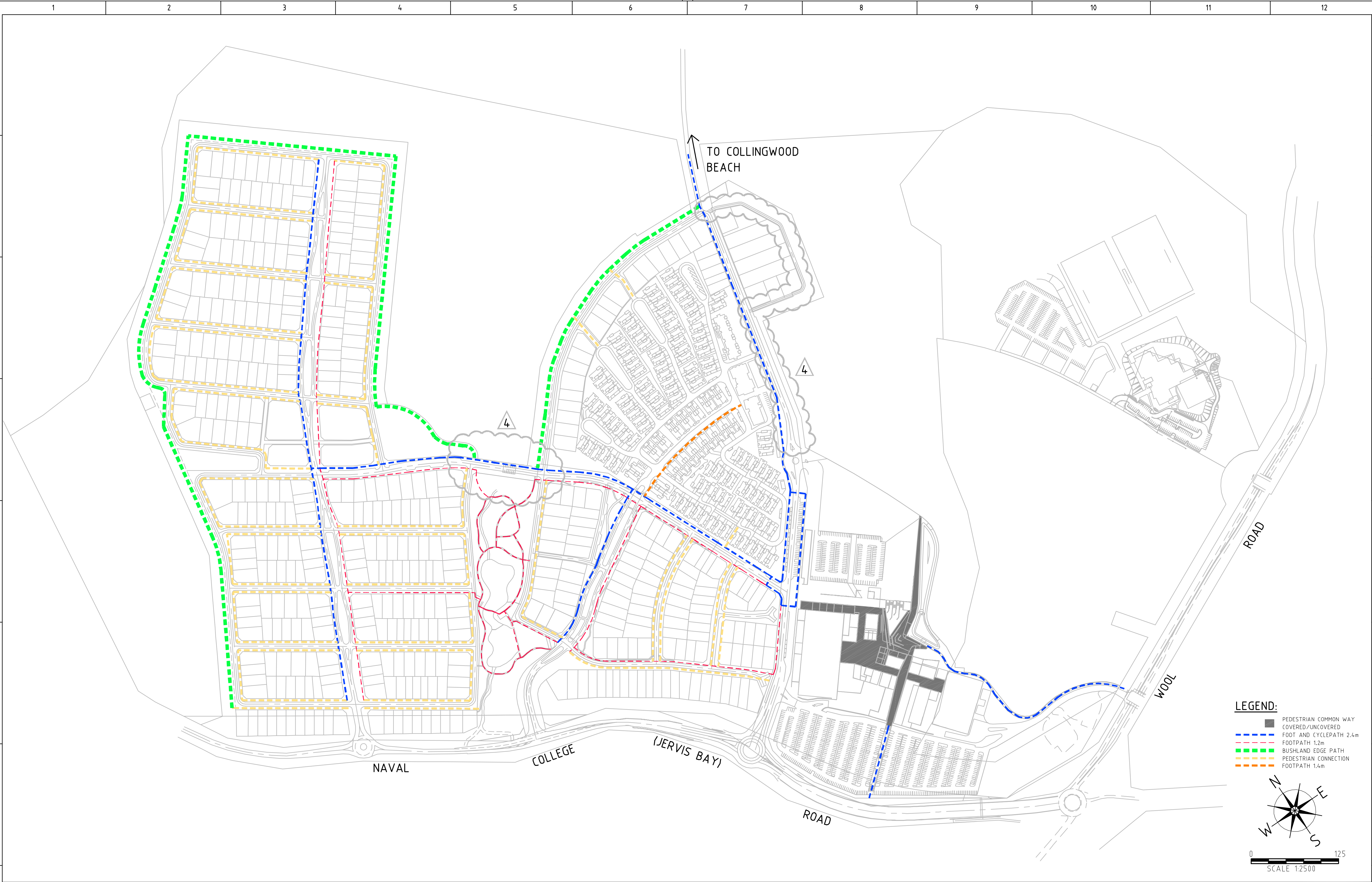




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ATTACHMENT 4

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