



planning consultants

town planning
economic & retail assessment

30 November 2010
Our Ref: 6376B.28DK_mod 9

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

Attention: John Phillipott

Dear John

Section 75W Modification of Concept Plan Approval (MP06_0060) and Project Approval (MP06_0058) – Modification No. 9

Vincentia Coastal Village & District Centre, Corner of Wool Road and Naval College Road, Vincentia – Western and Central Villages

We refer to recent email correspondence in which you have provided us with copies of submissions received during the public notification of the above s75W modification application. This letter responds to the following submissions:

- Shoalhaven Council's letter dated 8 October 2010;
- Rural Fire Service letter dated 11 October 2010;
- Rural Fire Service letter dated 21 October 2010;
- Integral Energy's email dated 15 October 2010;
- Department of Planning issues dated 27 September 2010 and email dated 14 October 2010;
- Vincentia Ratepayers and Residents Association Inc letter dated 7 October 2010;
- Vincentia Ratepayers and Residents Association Inc email dated 10 October 2010; and
- Resident letter dated 11 October 2010.

We have addressed each of these submissions in turn. In the process of reviewing submissions Stockland has made amendments to the proposed s75W modification and revised Statement of Commitments submitted with the application.

An updated version of the *Amended Preferred Project Report and Statement of Commitments*, dated 30 November 2010 is submitted with this letter as a separate document and comprises amended and additional commitments arising from Modifications 9 and 10.

1.0 Shoalhaven Council's letter

2.1 Zoning

Two issues are raised regarding the buffer to Naval College Road and future zoning of the land in the area of the proposed 21 lots.

Buffer

The existing vegetation along Naval College Road would not provide an acoustic buffer to the approved or proposed lots. The acoustic treatment to the proposed residential lots is to be



managed through the use of fencing and a landscaped mound as documented in the application. An updated landscape plan has been prepared and is attached as **Attachment 1** to this letter.

In any event the relocation of electricity lines would require the removal of the existing vegetation along Naval College Road irrespective of the proposed 21 lots. Refer also to further discussion regarding the easement and replacement electricity lines later in this letter.

Future zoning

The site has been identified as a State Significant Site and accordingly listed in Schedule 3 of the Major Development SEPP. Clause 5 to Part 29 of Schedule 3 provides as follows:

The only environmental planning instruments that apply, according to their terms, to land within the Vincentia Coastal Village site this Policy and all other State environmental planning policies except for the following:

(a) State Environmental Planning Policy No. 1 – Development Standards;

(b) State Environmental Planning Policy No. 71 – Coastal Protection.

Therefore the current Shoalhaven LEP or the un-exhibited draft Shoalhaven LEP does not apply to the site.

The land has been zoned R2 under the Major Development SEPP and regardless of the proposed zoning under the future Shoalhaven LEP, the proposed subdivision of land for residential lots remains permissible development.

2.2 Gross lot and dwelling yield

The Council has correctly stated that the lot yield to be achieved with Modification is 603 lots. This is consistent with the Concept Plan and Project application approvals that originally allowed for 607 lots.

The land has been zoned R2 under the Major Development SEPP. The R2 zone includes a range of permissible residential land uses such as attached dwellings, dual occupancies, multi-dwelling housing and semi-detached dwellings. The application proposes 21 lots and the potential for other forms of permissible residential development should not be a matter for consideration. The suitability of allotments within the subdivision should be considered on their individual merits if and when an application is lodged.

2.3 Easements and restrictions of existing utility services

The Council's main questions appear to be clarification regarding the location of the electricity easements registered in DP 1123782 and potential adverse impacts.

Easement location

When DP 1123782 was registered an easement for underground cables 3m wide was created which is shown as Easement E2. **Attachment 2** is a copy of DP 1123782 showing the location of easement E2. The easement was created at the request of Integral Energy and extends westwards along Naval College Road from Moona Creek Road.

DP1141763 was registered more recently and is a subdivision of DP1123872. This more recent DP creates a further easement for above ground transmission line 18.29m wide (Easement B) along Naval College Road. Easement E2 has been transferred to DP 1141763.



In the central village easement E2 is located against the southern boundary of the constructed lots and does not coincide with the recently installed electricity lines. Despite the existence of the easement, the easement has not been used by Integral Energy.

A similar outcome will occur for the western village the physical location of the future electricity lines will not coincide with easement E2. In relation to the western village Integral Energy has been consulted regarding the location of the replacement electricity lines along this section of Naval College Road.

On 24 November 2009, an email was sent from Translect (Stockland's consultant) to Integral Energy to investigate possible options for continuing the relocation of the 2 x 33kV and 4 x 11kV feeders along Naval College Road adjacent to the western precinct. The purpose of the email was to investigate the establishment of a dual 33/11kV feeder on each side of Naval College Road. This involved the following:

- Feeders 7521 & HKB2 would be relocated to the southern side of Naval College Road, and feeders 7519 & HKE2 would be constructed along the northern side of Naval College Road.
- A nominal 28m wide easement would be proposed - 10m between feeders and 9m each side of feeder where installed on private land (where required).
- New poles would be offset a minimum 9m from lot boundaries, such that the associated easement does not encroach on private land.
- A 10m spacing would be maintained between the two 33/11kV feeders.

Transect prepared a draft plan showing the layout of the relocation of the electricity lines. A copy of the email and draft plan is attached as **Attachment 3** to this letter. The southern boundary of the proposed 21 lots has taken into account the off-sets described above.

The email also sought advice from Integral Energy and in-principle agreement of the design approach. Integral Energy responded by email dated 15 December 2009. A copy of this email is attached at **Attachment 4**. Based on the information provided by Transect (including the draft plan) Integral Energy has provided their in-principle agreement to the proposal. The remaining step in the process is the submission of a 'Project Definition' to Integral Energy which will allow Transect to lodge detailed plans for Integral Energy Certification.

Based on Integral Energy's in-principle agreement to the new electricity line arrangement, the existing easements will not be required. Whilst the existing E2 easement is, in part, located over some of the proposed 21 lots the easement will eventually be extinguished and therefore the lots will not be encumbered by this existing easement.

In the future, new easements would be created to reflect the location of the new electricity lines. However, we also note that the electricity lines will ultimately be located within the road reserve (i.e. between the southern boundary of the lots and Naval College Road). When a new DP is registered transferring the road reserve to Council, the electricity easement will not be required to be shown on the DP.

2.4 Section 88B – Restriction as to user

Stockland does not intend to have vehicular access from the Access A road or from the southern boundary of the proposed 21 lots. Stockland therefore has no objection to the proposed restrictions as to user suggested by Council.



Statement of Commitment No. 3 can be amended to incorporate this additional Section 88B instrument. This additional commitment has been incorporated into the *Amended Preferred Project Report and Statement of Commitments*, dated 30 November 2010.

2.5 Acoustic treatments and fencing

Three issues are raised by Council.

Fencing detail

The s.75W application as originally submitted proposed the use of colourbond mini screen fence on each corner lots. Stockland proposes to use this miniscreen fencing for the full length of the southern boundary of the 21 lots along Naval College Road, including the side returns for the corner lots. A brochure from Lysaght is provided at **Attachment 5** illustrating the appearance of the proposed fencing. This fencing will require less maintenance than hardwood timber fencing and function better in the event of a bushfire than the hardwood fencing. The use of metal fencing has also allowed the landscape treatment to be revised, as discussed below.

Retaining wall

Council suggests that the sloping batter could encourage future owners to alter ground surfaces due to the small lots sizes, and that these earthworks could affect the stability of the fence.

Stockland agrees to Council's suggestion of a Section 88B instrument to require future owners to protect the integrity of the fence structure, earth batter or retaining wall, if constructed by the owners. Statement of Commitment No. 3 can be amended to incorporate this additional Section 88B instrument. This additional commitment has been incorporated into the *Amended Preferred Project Report and Statement of Commitments*, dated 30 November 2010. This instrument would operate if the future owners retain the sloping batter or chose to alter the batter to suit the location of private open space for their future house design.

Mid-storey plantings

An amended landscape plan has been provided and is attached at **Attachment 1**. Plants of between 2 to 3m in height and low level grasses are proposed on the batter. These are selected to comply with the RFS requirements and also comply with Integral Energy's requirements regarding the height of potential vegetation in the vicinity of the electricity lines. The landscape details and sectional diagram at **Attachment 1** has been reviewed in light of the changed fencing material (allowing low level landscaping slightly closer to the fence) and to more accurately reflect the landscape outcome and particularly mature height of the shrubs. The proposed shrubs will have a height of between 2 -3 metres, planted midway on the mound. Their height will match that of approximately the top of fence provide a vegetated screen when viewed from Naval College Road. **Attachment 1** also contains a sectional diagram to illustrate the resultant landscape condition in the context of Naval College Road and the proposed 21 lots.

2.6 Proposed Commitments 78a and 78b

As noted above, the statement of commitments will be updated to reflect the additional section 88B instruments suggested by Council.

3.0 Statement of commitment 16a

Council has referenced DCP 100 on several occasions in their letter. Ecological has considered the relationship of DCP 100 with the current Planning for Bushfire guidelines (PBP) (refer to **Attachment 6**). Ecological note that DCP 100 was adopted by Council on 18 December 2001 and effective from 16 February 2002 when a previous and now superseded version of PBP 2001 was in force and therefore provisions in the DCP appear to be largely based on the requirements of PBP 2001, not the current version of PBP which is PBP 2006. Ecological is therefore of the opinion that the proposal should be assessed against PBP 2006, not DCP 100.



Further Section 79BA of the Environmental Planning and Assessment Act, 1979 requires development on bushfire prone land to conform to the specifications and requirements of *Planning for Bushfire Protection*. Clause 272 of the Environmental Planning and Assessment Regulations, 2000 provides that for the purposes of section 79BA(1)(a) of the Act, *Planning for Bush Fire Protection*, December 2006, is the prescribed document. Given the inconsistencies between DCP 100 and the prescribed PBP 2006 identified by Ecological, we are of the opinion that Statement of Commitment 16(a) should not reference DCP 100. There is no need to include a reference to PBP 2006 in the Commitment as the Bushfire Assessments referenced in the commitment refer to PBP 2006.

4.0 The works at Access A and deferral of Commitment No. 53

Stockland proposes to amend the Section 75W application in relation to the timing of construction of Access A. Stockland proposes to construct Access A and the western ridge road as part of Stage 6 (which is approximately the former Stage 9 as shown on the approved Staging Plan).

The timing of construction of Stage 6 is approximately 6 months and Stockland anticipate that the subdivision including road works would be completed in the 3rd quarter of 2011. This would see the construction of Access A and the ridge road at this time. Stage 5 in the western village would therefore have alternate access out to Naval College Road.

We note the concerns of Council and the RFS regarding the potential traffic demands on Access B (Bayswater Road) and Access C (Moona Creek Road) if Access A is delayed. The table below sets out the number of lots/dwellings available in the subdivision and what is occupied to date.

	Lots/dwellings potentially available	Lots occupied at Nov2010
Central village (constructed or under construction)	133	40
Central village (future)	14 (stage 3)	nil
Retirement living	163	nil
Western village (stage 5)	82	nil
Total	392	40

Whilst the amendment to Statement of Commitment No. 53 proposes to defer Access A to the 400th lot, it is highly unlikely that these would all be occupied by the end of 2011 before Access is planned to be constructed.

Stockland proposes to amend the Statement of Commitment to require construction of Access A as part of Stage 6, and to commit to not issuing a Subdivision Certificate for Stage 6 or subsequent stages in the western village until Access A is constructed. This will confine potential traffic demands from the western village to 82 lots in Stage 5. Whilst the timing of Stage 5 is ahead of Stage 6, it is unlikely that the occupation of all houses in Stage 5 would be completed before the end of 2011. Access A is therefore most likely to be in place before many houses in Stage 5 are occupied.

Similarly, it is unlikely that the retirement living site would be constructed and fully occupied by the end of 2011. Therefore, in the unlikely event of a house being constructed on all residential lots in the central and western villages before the end of 2011, the total number of dwellings would be 229 lots/houses. This is well within the traffic capacity established by Halcrow in their report submitted with the S.75W application. This significantly reduces the concerns raised by Council, the RFS and residents.



Two amendments have been made to the Statement of Commitments (and reflected in the *Amended Preferred Project Report and Statement of Commitments*, dated 30 November 2010).

1. Stockland proposes to retain the original version of Commitment No. 53 but updated to reference the Stage 6 of the western village and delete the previously proposed amendment regarding the 400th lot; and
2. Stockland proposes to include a commitment to the effect that subdivision certificates for Stage 6 and all subsequent stages in the western village will not be issued until Access is A is constructed. Statement of Commitment No 80 has accordingly been incorporated as an additional commitment in the *Amended Preferred Project Report and Statement of Commitments*, dated 30 November 2010.

5.0 Water and sewer

Stockland has no objection to the Shoalhaven Water Requirements.

2.0 Rural Fire Service (RFS) letters dated 11 and 21 October 2010

Bushfire attack to Lot 1011

The RFS is concerned about Lot 1011 being exposed to high levels of bush fire attack and recommends that the lot layout be amended to reduce the potential radiant heat exposure for future dwellings. Ecological note that a radiant heat barrier in the form of a Colorbond fence a minimum of 1.8 m high will be erected to the west and south of Lot 1011 which will reduce the amount of radiant heat impacting on a future dwelling within this allotment

Whilst proposed Lot 1011 is slightly affected by an APZ and varying bushfire attack levels (BALs), the construction of a house is still possible provided the design of the house complies with PBP 2006 and the BAL construction standards contained in AS3959-2009. In this regard Ecological revised letter at **Attachment 6** illustrates that proposed Lot 1011 contains an APZ and bushfire attack levels varying from BAL-40 down to BAL-19.

Ecological notes that a Section 88B instrument will be required for Lot 1011 which will not permit a building within the APZ. Statement of Commitment No. 3 (as currently approved) already contains a requirement for a S.88B instrument in relation to APZs on private lots. This will also apply to the proposed Lot 1011.

In relation to BALs, Ecological advised that a future dwelling within Lot 1011 will require a combination of BAL-40 and BAL-29 construction as per AS3959-2009. However, the specific construction standard for each elevation of a future dwelling on Lot 1011 will be determined at the Development Application (79BA) stage which will take into consideration the location, orientation and design of a dwelling. However Ecological notes that future dwellings are likely to require "a combination of at least 2-3 elevations being at the highest BAL that is intersected and 1-2 elevations at the next BAL down."

3.0 Integral Energy's email dated 15 October 2010

Integral Energy's comments simply set out their requirements and Stockland has no objection to these requirements.

4.0 Department of Planning issues dated 27 September 2010

Line on plan

The line passing through the proposed 21 lots is a remnant line from the former Lot 75 DP 874040 and should not appear on these plans.