



***MODIFICATION REQUEST:
VINCENTIA COASTAL VILLAGE
Naval College Road, Vincentia***

Description of Modification No. 10 Request

This application seeks approval for:

- The consolidation of 22 lots into 14 lots, and
- The construction of a replacement Display Village.

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979
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*NSW Government
Department of Planning*

EXECUTIVE SUMMARY

The residential subdivision which is the subject of this modification formed part of the Concept Plan for a district shopping centre, a residential subdivision, and adaptable housing (MP06_0060) and the Project Application for the residential subdivision (MP06_0058) which were concurrently approved by the former Minister on 25 January 2007. The approved layout for the residential subdivision contained 604 lots all served by a generally rectangular road layout and bounded by bushland to the north and west, by Naval College Road to the south, and by the Vincentia District Shopping Centre to the east.

This modification, which is the latest in a series of modifications submitted to the Department, relates to the approved Stage 4 at the northern end of the Central Village, and the replacement of the Display Village located on the eastern side of the Western Village.

A copy of this application was forwarded to Council, the Rural Fire Service (RFS) and the Vincentia Residents and Ratepayers Association (VRRRA) for their comment. The application was not publicly exhibited but it was posted on the Department's website. Responses were received from each of these three parties.

Council raised some concern regarding overall dwelling yield, compliance with its subdivision DCP, proximity to the sewer pumping station, and car parking for the Display Village.

The RFS expressed concern about ongoing responsibility for Council for maintaining the APZ outside lot boundaries and sought agreement to this from Council before they would support the proposal. Other than that, it required compliance with *Planning for Bushfire Protection* 2006.

The submission from the VRRRA raised an objection to the proposed lot consolidation however no objection was raised to the construction of a replacement Display Village.

The proponent has submitted a Preferred Project Report which responds to those issues raised by Council, the RFS and the VRRRA. The Department has considered the contents of the PPR and is satisfied that all of the issues raised have been satisfactorily addressed and that the modification application can be supported subject to the imposition of conditions to mitigate the environmental impact.

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1. BACKGROUND

The former Minister concurrently approved a Concept Plan (MP06_0060) and a Project Application (MP06_0058) for the Vincentia Coastal Village on 25 January 2007. This Concept Plan was for a 604 lot residential subdivision, a residential development for adaptable housing, a commercial development, and environmental protection measures on the remaining part of the site while the Project Application related only to the residential subdivision component.

There have been ten applications lodged with the Department to modify this Project Application: seven have been approved by the Director-General, two are currently under assessment (including this application), and one was withdrawn by the proponent.

These previous modifications relate to:

- the construction of a Display Village (Mod 1),
- the implementation of Exempt and Complying Development provisions (Mod 2),
- increase the number of residential lots to 607 (Mod 3),
- altering the timing for payment of contributions from prior to Construction Certificate to prior to Subdivision Certificate (Mod 4),
- reduce the number of residential lots to 603 (Mod 5),
- inclusion of the design guidelines for housing in the estate (Mod 6),
- Mod 7 was withdrawn,
- the consolidation of smaller lots into four 'super lots' reducing the total number of lots in the subdivision to 582 (Mod 8).

A separate modification application (Mod 9) for the construction of 21 new residential lots and associated acoustic screening along the Naval College Road frontage of the Western Village and the postponement of the construction of the roundabout at Access A is currently being assessed by the Department.

The proponent has stated (**Tag 1**) that the reasons for the modifications proposed in this application are as follows:

- The creation of these 14 larger lots is in response to market demand for such larger lots; and
- The current Display Village will be used for residential purposes from mid 2011 and it needs to be replaced.

2. PROPOSED MODIFICATION

2.1 Modification Description

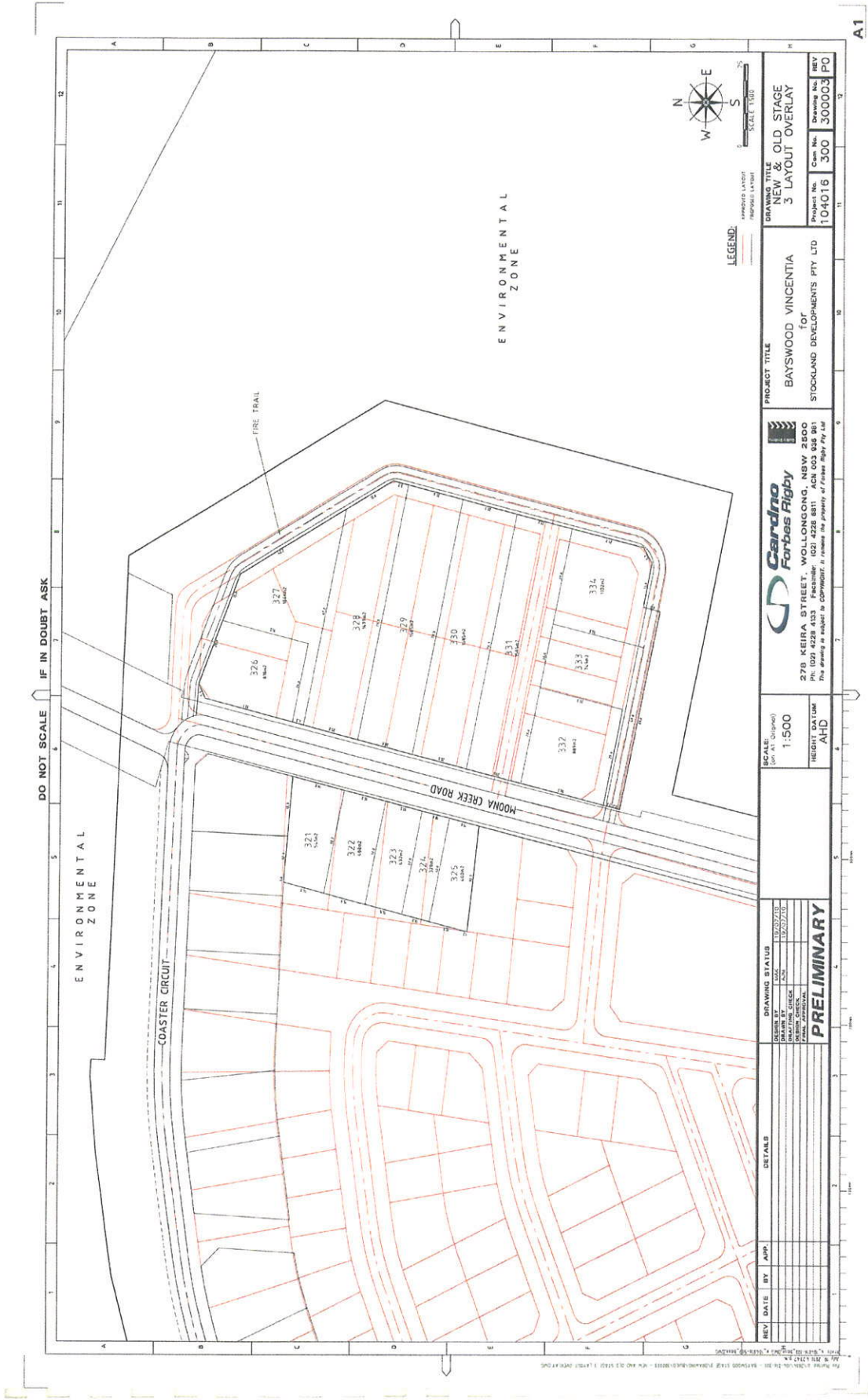
This modification proposes the consolidation of 22 lots into 14 lots, and the construction of a new Display Village to replace the current one which will be used for residential purposes from mid 2011.

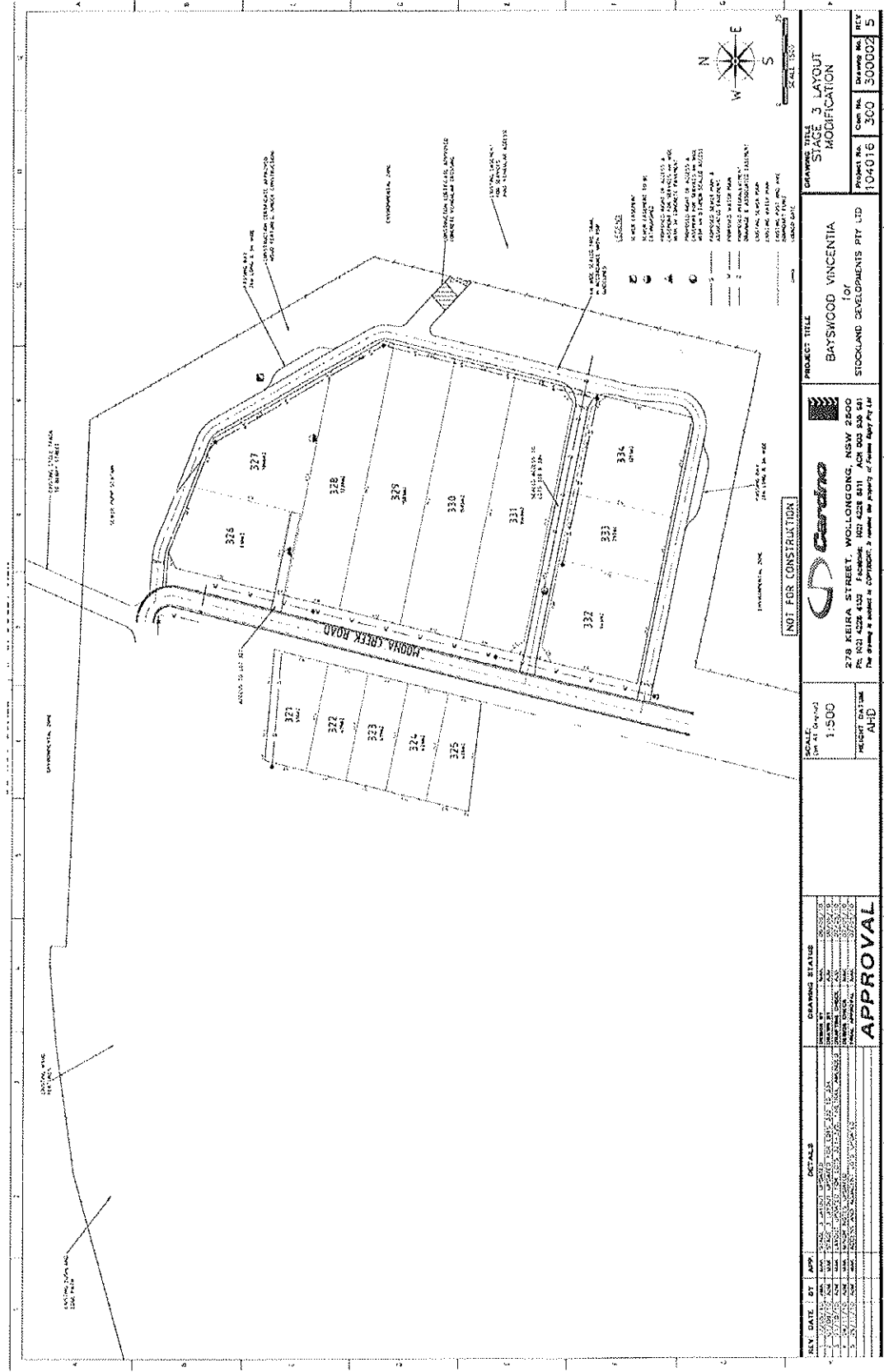
The key aspects of the proposed modification are listed in Table 1

Table 1: Key Proposed Modifications

Aspect	Description
<i>Creation of 14 larger residential lots</i>	Part of the original Stage 4 contains 22 standard sized residential lots and in order to respond to market demand these are proposed to be consolidated into 14 larger lots.
<i>Construction of a replacement Display Village</i>	The current Display Village is scheduled to be used for residential purposes from mid 2011 and a replacement Display Village is required.

Figure 1: Overlay of Approved and Originally Proposed Subdivision Layout for this Stage





3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification of the Ministers Approval by way of a s.75W request is considered appropriate in this instance because while the application does propose a slight departure from the approved layout, it is still generally consistent with the original approval and the proposed changes do not materially alter what has been approved.

3.2 Delegated Authority

On 25 January 2010 the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request.

As less than (10) public submissions were received (see section 4), the Director may determine the modification request under delegated authority.

4 CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department considered the proposed modifications to be generally minor and chose to not publicly exhibit the application. However, the Modification application was listed on the Departments website on 22 September 2010 and a copy was forwarded to Shoalhaven City Council and the Rural Fire Service (RFS) on 22 September 2010 and to the VRRRA on 24 September for their comment.

The Department received 3 submissions in response – one submission from Shoalhaven City Council, one from the RFS, and one submission from the VRRRA.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

One submission (**Tag 2**) dated 8 October 2010 was received from Shoalhaven City Council in which concern was raised regarding the following matters:

- the potential for larger lots to be developed for multi dwelling housing thereby increasing the dwelling yield.
- the use of a fire trail in lieu of a perimeter road,
- the non-compliance with Council's DCP 100,
- the ongoing maintenance of the fire trails,
- the non compliance with *Planning for Bushfire Protection Guidelines 2006* (PBP 2006),
- the size of proposed lots,
- the non-compliance with the 40m buffer around the SPS,
- separation of car parking from the new Display Village, and
- compliance with the requirement of Shoalhaven Water.

One submission (**Tag 3**) dated 11 October was received from the RFS in which the following comments were offered:

- the proposed lot layout can not be supported until Council has agreed to maintain in perpetuity those Asset Protection Zones (APZ) located outside the boundaries of the proposed residential lots;
- the proposed fire trails shall comply with section 4.1.3(3) of *Planning for Bushfire Protection 2006*

4.3 Public Submissions

One submission dated 9 October (**Tag 4**) was received from the VRRRA who raised no objection to the proposed Display Village and advised that provided the lot consolidation was not a trade-off for the new 21 lots sought by way of Modification 9, then there was no objection to this aspect of the proposal.

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

5 ASSESSMENT

The Department considers the key issues for the proposed modification to be:

- possible increase in dwelling yield;
- compliance with Council's subdivision DCP and PBP 2006;
- observing the buffer zone around the sewer pumping station; and
- the provision of adequate parking for the new Display Village;

5.1 Consolidation of 22 lots into 14 lots.

The original Stage 4 (which is referred to as Stage 3 in this application) formed part of the Central Village and comprised 27 residential lots ranging in size from 221 sqm to 692 sqm, with an average size of 482 sqm. The proponent advises that in response to market demand for larger lots, approval is now sought for the consolidation of 22 of these lots into 14 larger residential lots that range in size from 320 sqm to 1585 sqm, with an average size of 940 sqm. In addition, it proposes the deletion of the public road separating these lots from the adjacent environmental zone, and replacing it with a 4m wide gravel fire trail.

The 22 lots that are being consolidated straddle Moona Creek Road, with 4 on the western side and 18 on the eastern side. The 18 lots are surrounded by public roads, with the Environmental Zone to the north, east and south, and other lots to the west. The 4 lots are bounded by other lots to the west and north, a public road to the east, while immediately south is the site for the approved Retirement Living Village.

The issues raised by Council in their submission and the proponent's Preferred Project Report (PPR at **Tag 5**) to those issues is as follows:

Issue 1 – Larger lots may lead to increase dwelling yield. Council is of the view that the introduction of larger lots will increase the likelihood that they will be developed for 'multi unit housing', thereby increasing the dwelling yield in the subdivision to more than the anticipated one dwelling on each of the 604 approved lots. In their response the proponent points out that 'multi unit housing' is already a permissible form of development under the R2 Low Density

Residential zoning, irrespective of the increase in lot size. In addition they point out that this application is for subdivision only, it does not propose any buildings on these lots, and that any application for 'multi unit housing' would have to be assessed on its merits.

The most relevant Council policy is the Medium Density Housing DCP (DCP 71) under which the minimum site area for three small (under 55sqm) dwellings is 510sqm. On this basis 10 (71%) of the proposed lots could accommodate a 'multi unit housing' development compared with 8 (64%) of the current lots. The Department has formed the view that this increase of 2 lots is not material and on this basis supports the proposal.

Issue 2 – Non compliance with Council's subdivision DCP 100. Council stated that the proposed subdivision layout did not comply with its subdivision DCP (DCP 100) or the bushfire restrictions on which it was based.

The RFS have advised that subject to the imposition of standard conditions, the proposal complies with the requirements of PBP 2006 and on this basis the Department is satisfied that PBP 2006 is the prevailing instrument and not DCP 100.

Amendments made by the proponent in the PPR to comply with PBP 2006 and concerns of Council include;

- the creation of a 6m wide access road which provides a second link between the fire trail to Moona Creek Road,
- the 4m wide fire trail will now be finished with a sealed pavement rather than a gravel finish,
- the inclusion of three passing bays in the new fire trail and realignment of the geometry of one of its bends, and
- the installation of fire hydrants along Moona Creek Road,
- amending the lot layout so that the smallest lot has an area of 400sqm and not the 320sqm originally proposed.

Council also points out that the proponent has not demonstrated a clear benefit in replacing the perimeter road with a fire trail, as required by the PBP 2006.

In response the proponent's bushfire consultant advises that PBP 2006 takes a *"performance based approach"* and that this can be satisfied either through the *"use of acceptable solutions OR demonstrating another solution satisfying the specific objectives and performance criteria"*. The consultant confirms that the new layout meets the acceptable solutions for fire trails as identified in section 1.2.2 of PBP 2006. The RFS have advised (**Tag 6**) that they concur with this assessment and support the proposal subject to the imposition of conditions relating to compliance with PBP 2006, maintenance of the fire trail by the land owner, and ensuring that the fire trail is not used as a public road.

The proponent also submitted a Bushfire Protection Assessment report (**Tag 7**) which detailed the requirements of the PBP 2006 in relation to the creation and maintenance of Asset Protection Zones (APZ) and levels of construction for future dwellings on these lots.

Council expressed concern regarding the ongoing ownership and maintenance of the gravel fire trail if it is to be dedicated to Council. They particularly commented that (**Tag 8**) the primary maintenance issues with a Council road having a gravel surface would include weed control, drainage, deterioration of the gravel surface and dust control. Council have verbally advised that introducing a sealed surface to the fire trail overcomes their concerns regarding the maintenance of the fire trail.

The Department is satisfied that the construction of this fire trail with a sealed surface rather than a gravel finish is acceptable for the following reasons:

- it address the maintenance issues of weed control, drainage, deterioration of the surface and dust control as well as the previously approved perimeter road,
- the fire trail is narrower than the perimeter road and will not be open for use by the public and as such, will require less maintenance than the perimeter road, and
- under the terms of the original Project Application approval and related Statement of Commitments (SoC 8(a) and 16(a)), the perimeter road was within an area of APZ and WSUD that will be owned and maintained by Stockland for 3 years after which it will be transferred to Council's ownership. The fact that the perimeter road is being replaced by a sealed fire trail is immaterial in this regard and the imposition on Council for maintenance is no greater than that imposed through the initial approval.

Issue 3 – Maintain the bushland edge pathway. Council expressed the view that replacing the perimeter road with a fire trail would eliminate the previously approved bushland perimeter pathway. The proponent advises that, notwithstanding that this path and its connection to the District Shopping Centre were deleted through Modification 8, the proposed paved fire trail will still allow pedestrian access around this section of the subdivision. This position is supported by the Department.

Issue 4 – Small lot size. Notwithstanding that lots of approximately 200sqm were approved in the original Stage 4, Council considers that the 320 sqm lot initially proposed on the western side of Moona Creek Road is inappropriate for the context of this stage of the subdivision (**Tag 8**), and suggests an average lot size of 430 sqm as being more appropriate. The revised lot layout in the PPR has lots that average 435 sqm, which the Department considers to be acceptable.

Issue 5 – Sewer pumping station buffer zone. Another issue raised by Council (**refer Tag 9**) was the encroachment of two lots (326 and 327) into the 40m wide buffer zone around the existing sewer pumping station. Under the subdivision layout originally approved (**refer Fig. 1**) at least two lots were similarly affected.

Council put forward three options for dealing with this encroachment:

- amend the lot layout to comply,
- impose a Restriction As To User requiring all future dwellings on lots 326 and 327 to be sited outside the buffer zone, or
- require the proponent to upgrade the odour control system on the pumping stations' existing vent stack.

The proponent has advised that they will upgrade the odour control system. A condition addressing this matter has been included in the attached modified approval.

The Department is satisfied that the amendments made to the subdivision layout, the undertaking by the proponent regarding the odour control works to the nearby vent stack of the sewer pumping station, and the imposition of new conditions adequately address the concerns raised by Council and the RFS in relation to design, maintenance and compliance with PBP 2006.

5.2 Construction of a replacement Display Village.

On 8 October 2007 by way of Modification No. 1 the Director-General, on behalf of the Minister, approved the inclusion of a Display Village in the Concept Plan, the Project Approval and the Statement of Commitments. *Exhibition Villages* are a prohibited use in the R2 Low Density Residential zone however such uses can be permitted provided they are located outside a sensitive coastal location and not in an environmentally sensitive area of State significance. The site of the current and proposed Display Villages meets these two criteria and it was on this basis that the original approval for the Display Village was granted and this is still the case with this proposed replacement Display Village.

The current Display Village is located on the western side of the Central Village and adjacent to the central open space area (**refer Fig 3**). It comprised 8 display homes, a temporary sales office and associated amenities, and a car parking area for 26 vehicles. These 8 houses are now proposed to be used for residential purposes from mid 2011 and so a new Display Village is required to replace them.

The replacement Display Village is proposed to be located in part of the original Stage 10, on the eastern side of the Western Village, and adjacent to the central open space area. It will contain only the 8 replacement display houses with the original sales office, amenities and car parking area all being retained and used in conjunction with this replacement Display Village. It will operate for the same hours on the same days as the current Display Village. Access from these parking spaces and amenities to the new display houses is via a pedestrian pathway through the central open space.

In their submission Council (**refer Tag 9**) raised no objection to the construction of a replacement Display Village but did highlight the following matters which required resolution:

- Because of the large separation between the existing car parking area and the proposed new Display Village, 6 additional car parking spaces are to be provided on one of the lots adjacent to the new Display Village, and
- any fencing proposed around the new Display Village is not to be located on Council property.

In response the proponent has amended the layout of the Display Village to incorporate the 6 additional spaces requested by Council, and shown the location of the proposed 1.5m high palisade fence as being on the boundaries of the lots and not on Council property (**refer Fig. 3**). The Department is satisfied that these amendments adequately address the concerns expressed by Council.

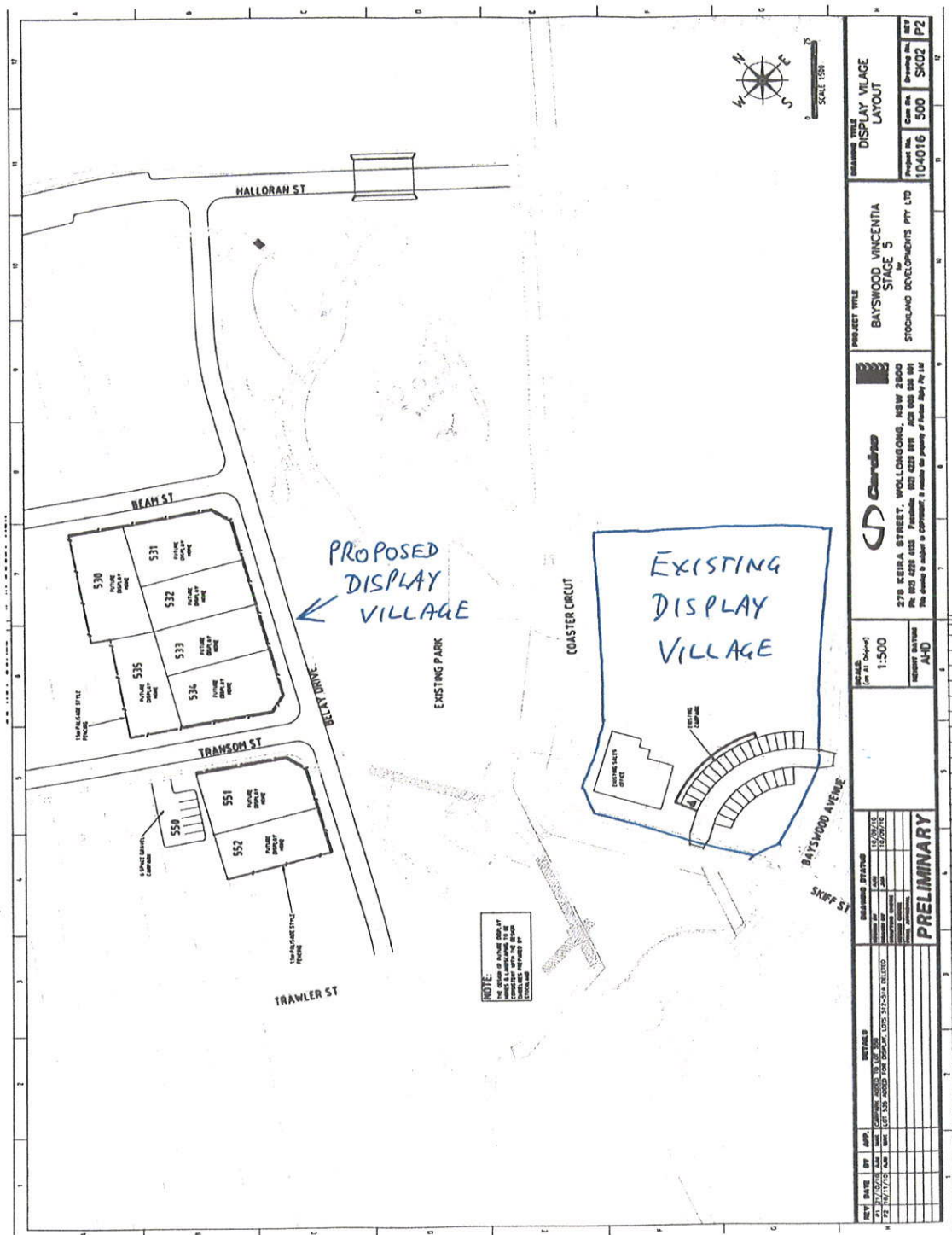


Figure 3: Approved and Proposed Display Village Layout

6 CONCLUSION AND RECOMMENDATIONS

This application seeks approval for the consolidation of 22 lots into 14 lots in Stage 3 at the northern end of the Central Village, and the construction of a Display Village at the western end of the Central Village to replace the existing Display Village which will be used for residential purposes from mid 2011.

The documents reviewed by the Department in assessing this modification application include the original application, the submissions made by agencies and members of the public, and the PPR and revised Statement of Commitments submitted by the proponent.

The Department has formed the view that this application is worthy of support for the following reasons:

- it is generally consistent with the original Concept Plan and Project Applications approvals,
- the environmental impacts of these modifications can be mitigated through the imposition of conditions, and
- the implementation of these modifications should assist the economic development of this site of State significance through providing a range of lot sizes within the subdivision and facilitating the sale of lots through maintaining a Display Village within the development.


John Phillpott 2/3/11
Senior Environmental Planner
9228 6441


Joanna Bakopanos
Team Leader