



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

Description of Modification No. 9 Request

This application seeks approval for:

- Creation of 21 additional residential lots, and
- Postponing the construction of the roundabout intersection at Access A on Naval College Road.

© Crown copyright 2011
Published March 2011
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

*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 Retail Centre to the east.

This modification relates to the Western Village component of the Vincentia Coastal Village.

The overall effect of the most recent modification (No. 10) which was approved on 14 March 2011 was a reduction in the total number of residential lots from 582 to 574. The current modification (No. 9) seeks approval for the creation of 21 residential lots along the Naval College Road frontage of the Western Village, bringing the total number of residential lots back to 595. It also proposes postponing the construction of the roundabout at Access A until more of the overall subdivision has been constructed.

A copy of the application was forwarded to Shoalhaven Council, the Rural Fire Service (RFS), the Vincentia Residents and Ratepayers Association (VRRRA) and Integral Energy (IE) for their consideration. The application was not publicly exhibited but it was posted on the Department's website and adjoining land owners were notified. In response to this, six submissions were received from the public.

Council does not support the construction of these 21 lots for environmental and amenity reasons, or the postponement of the construction of Access A primarily for traffic reasons.

The RFS raised concern about high level of bushfire attack to lot 1011 and recommended amending the lot layout.

The VRRRA raised concerns about the impact of the new lots on community amenity, the buffer between Naval College Road and the Western Village, adverse visual impact, and object to the deferral of the roundabout for reasons of residential amenity and road safety.

No objection was raised to the proposal by IE and they provided details of their requirements.

The submissions from the public cite concerns about traffic and safety impacts of postponing Access A, the potentially high housing densities and the visual impact of the new lots.

In their response to concerns raised in submissions the proponent has brought forward the timing for the construction of Access A, and the Department is now satisfied that the proposed modification can be supported subject to amendments and additions to conditions and various Statements' of Commitment, which will minimise the environmental impact of the proposal.

TABLE OF CONTENTS

1.	BACKGROUND	3
2.	PROPOSED MODIFICATION	4
	2.1 Modification Description	4
3.	STATUTORY CONTEXT	7
	3.1 Modification of the Minister's Approval	7
4	CONSULTATION AND SUBMISSIONS	7
	4.1 Exhibition	7
5	ASSESSMENT	9
	5.1 Creation of 21 new residential lots.	9
	5.2 Postponing the construction of Access A.	10
	5.3 Construction of an acoustic screen to the south of the new 21 lots.	11
6	CONCLUSION AND RECOMMENDATIONS	12
APPENDIX A	RECOMMENDED MODIFYING INSTRUMENT	14

1. BACKGROUND

The former Minister for Planning 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 involved 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.

At the time the Concept Plan and Project Application were approved the site of the Coastal Village was zoned under the Shoalhaven LEP as predominantly Residential 2(c) with a strip of Environmental Protection 7(d2) along the Naval College Road frontage (**Tag 1**). In 2008 the whole of this site was identified as being of State significance and was included in the Major Projects SEPP. This process involved rezoning the site of the Coastal Village to a mixture of R2 Low Density residential and E2 Environmental Conservation. As a result of this rezoning the site of the proposed 21 new lots was rezoned to E2 Low Density Residential from 7(d2), thereby enabling this application to be made.

There have been nine previous applications lodged with the Department to modify this Project Application: eight have been approved by the Director-General, and one was withdrawn by the proponent.

The previous modifications to the original Concept Plan and Project Approval 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),
- the consolidation of 22 lots in Stage 4 into 14 lots and the construction of a replacement Display Village (Mod 9).

The proponent has stated (**Tag 2**) that the creation of these new 21 lots is generally consistent with the Concept Plan and Project Approvals for the following reasons:

- The subdivision layout for the Western Village will be similar to the approved concept layout;
- The new lots will not significantly alter the character of the Western Village as viewed from Naval College Road or require amendments to the approved road layout;

- The use of this part of the site for residential lots is consistent with the sites R2 Low Density Residential zoning; and
- Landscaping will be provided within the road reserve along Naval College Road to screen the acoustic fence and create a landscape treatment consistent with the remainder of the subdivision along Naval College Road.

2. PROPOSED MODIFICATION

2.1 Modification Description

This modification proposes two amendments to the current scheme:

- the creation of 21 residential lots and associated acoustic screening along the Naval College Road frontage of the Western Village, and
- postponing the construction of the roundabout intersection at Access A, which was designed as the primary access point to the Western Village from Naval College Road.

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

Table 1: Key Proposed Modifications

<i>Aspect</i>	<i>Description</i>
<i>Creation of 21 new residential lots along Naval College Road</i>	21 new residential lots are proposed to be created along the Naval College Road frontage of the Western Village, and the construction of an acoustic screen along their boundary with Naval College Road
<i>Postponing the construction of the roundabout intersection at Access A</i>	The approved scheme required this roundabout to be constructed prior to the release of the subdivision certificate for Stage 9 (approx 295th residential lot). This application now seeks approval to postpone the construction of this until the release of the subdivision certificate for the 400 th residential lot.

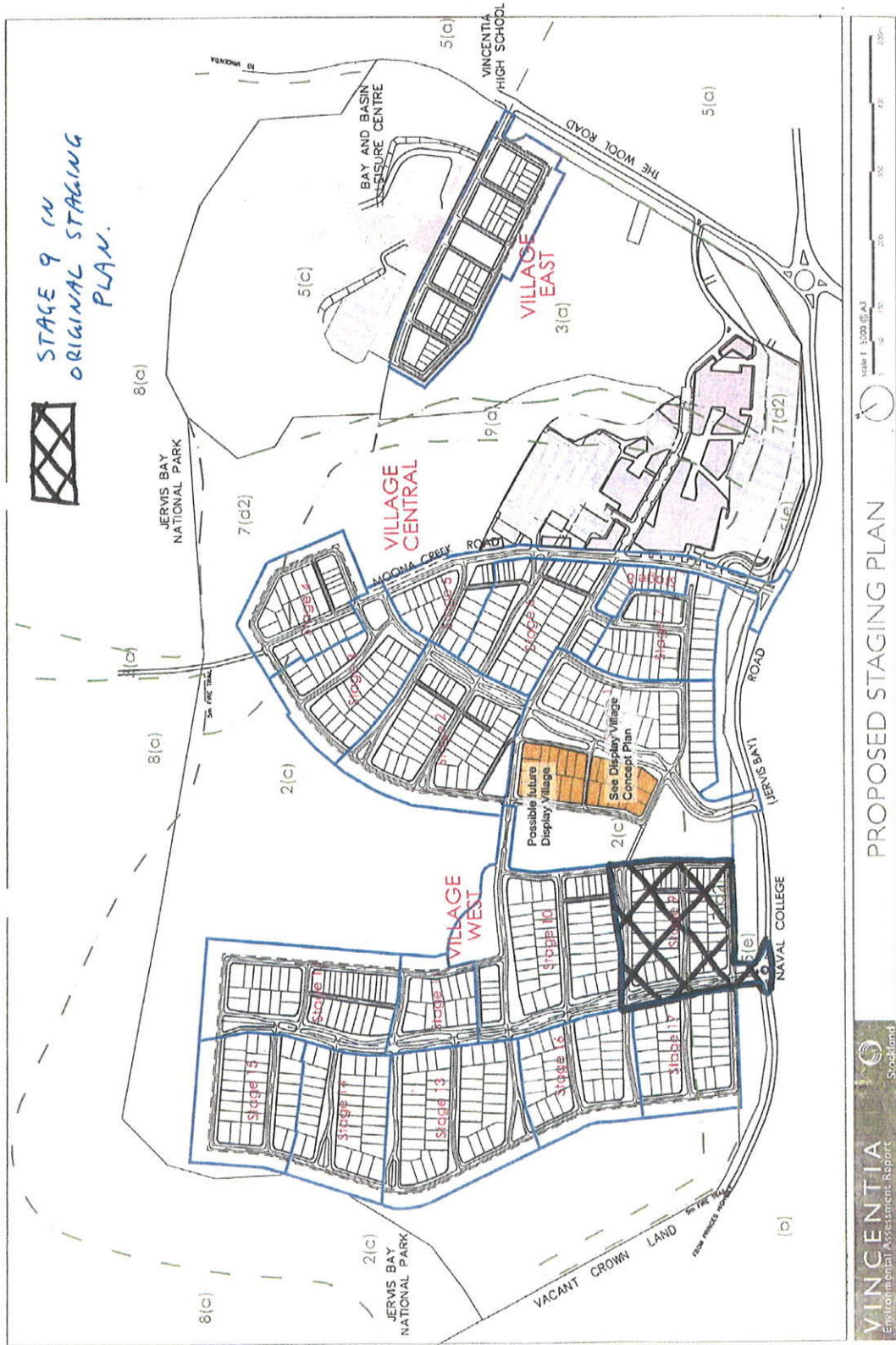


Figure 2: Approved Project Layout
NSW Government
Department of Planning

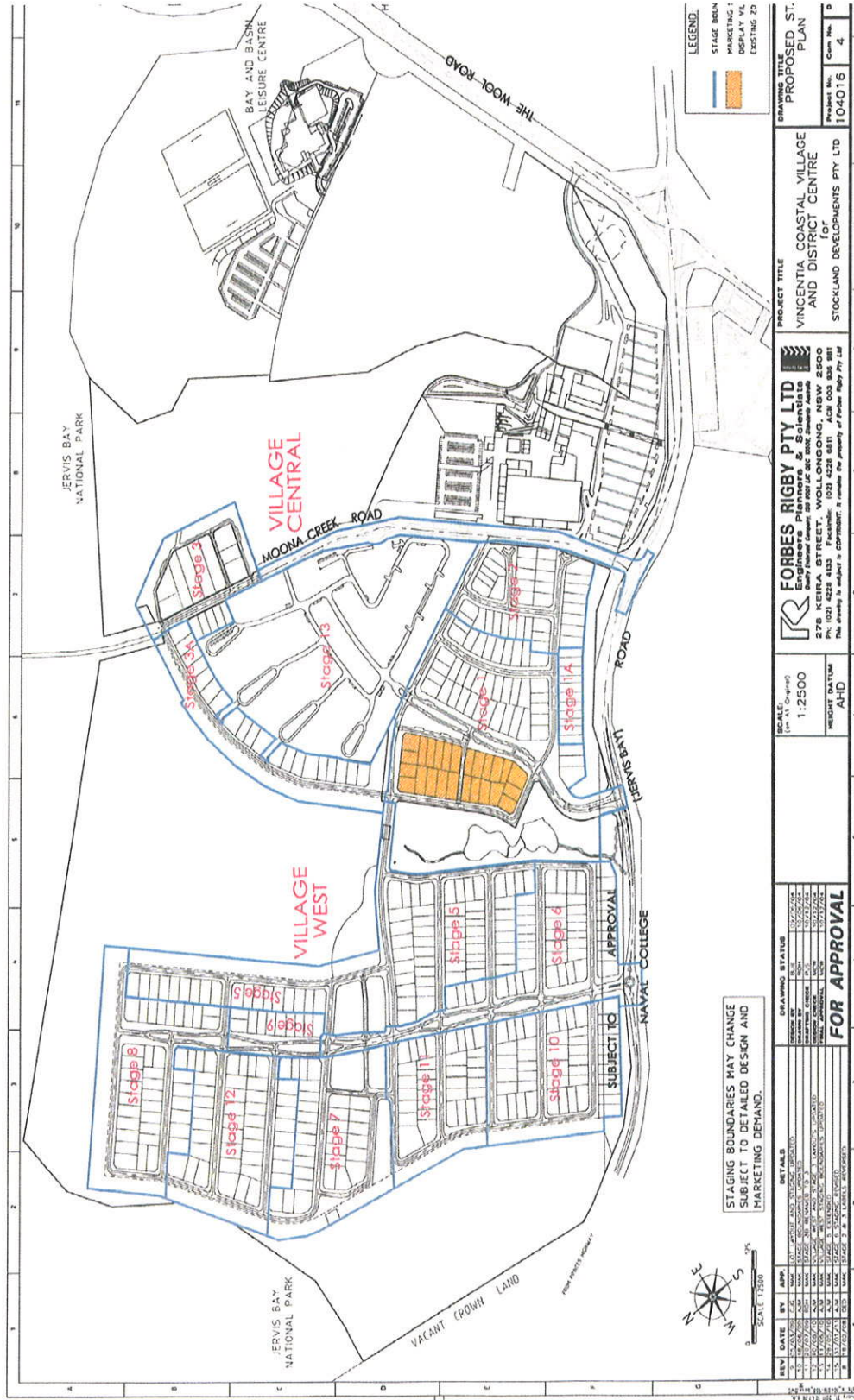


Figure 3: Proposed staging sequence for the Western Village
NSW Government
Department of Planning

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 an increase of twenty one (21) residential lots, the new total (595 lots) is generally consistent with the original Concept Plan approval.

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, the Rural Fire Service, and Integral Energy on 22 and 27 September 2010 for their comment. In addition, the Vincentia Residents and Ratepayers Association (VRRRA) were notified of the application on 24 September, and 5 adjoining land owners were written to on 24 September 2010 and given 14 days in which to make any submissions.

The Department received nine submissions in response – one submission from Shoalhaven City Council, one each from the Rural Fire Service and Integral Energy, one from the VRRRA, and six submissions from members of the public.

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

4.2 Public Authority Submissions

In their submission (**Tag 3**) dated 8 October 2010 Shoalhaven City Council raised the following concerns:

- the additional lots are inconsistent with the zoning of this section of the site under the draft Shoalhaven LEP 2010;
- the potential conflict between the proposed lots and electricity easement and infrastructure;
- the need to limit vehicular access to these new lots to their northern boundaries;
- the deficiencies in the proposed acoustic treatment; and
- the adverse road safety implications for postponing the construction of roundabout A.

In their submission dated 11 October 2010 the RFS (**Tag 4**) expressed concerns regarding:

- ongoing maintenance of the APZ along Naval College Road and advising that they required the agreement of Council to this ongoing maintenance before they could support the proposed lot layout;
- that a future dwelling on lot 1011 would be exposed to high levels of bushfire attack and recommended that "the lot layout be amended to reduce the potential radiant heat exposure for future dwellings within this subdivision"; and
- should the construction of Access A be postponed until the construction of the 400th lot and in the event of a bushfire emergency, then all residential lots would be serviced by only one entry/exit point onto Naval College Road.

At the insistence of the Department, the RFS subsequently advised on 21 October 2010 (**Tag 3A**) that in the event of a bushfire emergency adequate access and ingress may not be available to the Western Village without Access A.

In their submission dated 15 October (**Tag 5**) IE raised no objection to the proposal, and provided details of their requirements for supply of electricity to the subdivision.

4.3 Public Submissions

Six submissions were received from the public: one from the VRRRA (**Tag 6**) and others (**Tag 7**) from residents of the Vincentia Coastal Village.

In their submission the VRRRA expressed concern regarding:

- the 'bonus' or additional lots now being sought and their impact on community amenity;
- the adverse impact on the buffer area between Naval College Road and the Western Village;
- the visual impact from Naval College Road of anticipated two storey dwellings on these new lots;
- the impact on road safety; and
- the adverse traffic and pedestrian impact of diverting traffic through narrow suburban streets.

The submissions from surrounding residents raised concerns regarding:

- that this application should have been publicly notified;
- inadequate access onto Naval College Road if the construction of Access A is deferred;
- the impact on the internal road network of postponing construction of roundabout A;
- bushfire/evacuation concerns;
- impact on traffic and pedestrian safety within the Central and Western Villages;
- impact of increased overall housing densities;
- visual impact when viewed from Naval College Road.

All public submissions objected to both elements of the proposed modification.

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:

- the impact of the additional 21 residential lots along the Naval College Road;
- the impact of postponing the construction the roundabout intersection at Access A on Naval College Road; and
- the impact of the acoustic screen along the southern boundaries of the proposed 21 lots.

5.1 Creation of 21 new residential lots.

The application proposes the construction of 21 new lots along the Naval College Road frontage of the Western Village. That part of the site proposed to accommodate these new lots is zoned R2 Low Density Residential under the Major Projects SEPP 2005 and pursuant to clause 14, Division 1, Part 29 of Schedule 3 of the SEPP, the proposed subdivision is permissible with consent in this zone.

In their Preferred Project Report and Statement of Commitment (**Tag 8**) the proponent states that the proposed new 21 lots are not 'bonus' or 'additional' lots, as asserted in submissions, but rather making up for lots lost as a result of the creation of 'super lots' approved with Modification 8. The approval of these 21 lots will result in the total number of lots in the overall residential subdivision increasing to 595 and as such, it is consistent with the approved Concept Plan. This position is supported by the Department.

The proponent has also clarified the matter regarding existing electrical easements raised by Council. The Department accepts that satisfactory arrangements can be made between the proponent and Integral Energy such that the proposed 21 lots will not be adversely impacted upon by the existing electrical easements and in turn, the assets of Integral Energy can be protected.

In response to Council's concerns regarding restricting direct vehicular access to the northern side of these 21 lots, the proponent has agreed to the imposition of an appropriate Restriction as to User (RATU) on the title of these lots. A condition to this effect has been included in the attached modified instrument.

In relation to the concerns raised by the RFS regarding the level of bushfire attack, the proponent's bushfire consultant has advised that, through a combination of the proposed acoustic fence acting as a radiant heat barrier and appropriate construction standards, the construction of a house is still possible on these lots (**Tag 9**). The proponent seeks to address this through amending the Statement of Commitment, while the RFS prefer imposing a condition requiring a bushfire assessment to be undertaken with any future DA for housing. The Department has been advised that is not legally able to impose such a condition however a Restriction as to User requiring compliance with the recommendations of the proponents Bushfire Assessment report is considered appropriate and has been included in the amended approval.

The RFS also raised concern regarding the appropriateness of Council having to maintain the APZ along the rear of the new 21 lots in perpetuity. In their submission Council raised no objection to the proposed amendment to Statement of

Commitment 16a regarding bushfire management, and only required compliance with Council's DCP 100 and the Planning for Bushfire Protection Guidelines.

The Department is satisfied that Council have accepted this aspect of the proposal and are willing to maintain this APZ in the same manner as they maintain APZ in similar circumstances elsewhere in the Shoalhaven area.

5.2 Postponing the construction of the proposed roundabout at Access A.

Commitment No. 53 in the Statement of Commitment which formed part of the original Concept Plan and Project Application approvals required a roundabout intersection to be constructed at Access A on Naval College Road *"Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for Stage 9"*. This fitted in with the proposed construction sequencing of the overall subdivision at the time the original Concept Plan and Project Approval were issued.

The proponent now seeks approval to postpone the construction of this roundabout intersection to reflect the revised sequencing of the construction of the subdivision and has suggested that Commitment 53 be reworded to read *"Prior to the release of the Subdivision certificate by the Shoalhaven City Council or accredited certifier for the 400th residential allotment (or equivalent if the approved Bayswood retirement village proceeds) in the Vincentia Coastal Village (comprised of the Central and Western Villages and the possible future Bayswood retirement village)"*. This aspect was the subject of objection from Council, the VRRRA and the surrounding residents.

In response to these objections the proponent has revised the proposed timing for the construction of this roundabout. They advise that Stage 5, which contains 82 lots (see plan at **Tag 10**), is currently under construction and that Stage 6, which contains 25 lots, will be the next stage to be constructed, with its completion expected by the end of 2011. They propose that the trigger for the construction of this roundabout is now the completion of Stage 6, rather than *"prior to the issuing of the Subdivision Certificate for the 400th lot"*. In this situation, the maximum amount of traffic from the Western Village that will pass through the Central Village will be that generated by the 82 lots in Stage 5.

The current Statement of Commitment requires Access A to be constructed prior to the completion of Stage 9. Given that the original Stage 9 generally accords with the proposed Stage 6 (refer to staging plan at **Tag 11**), this revised arrangement is consistent with the originally approved timing for the construction of Access A.

Council were not consulted in relation to this change because, with the roundabout now being built as part of Stage 6 and not Stage 9, it addressed their original concerns regarding road safety. The RTA was not consulted because Naval College Road is only a local road.

The proponent has suggested that the current Statement of Commitments be amended to reflect this revised timing and in addition, that the Subdivision Certificate for Stage 6 shall not be issued until this roundabout has been constructed. The Department supports this amended timing as it addresses the concerns of objectors by:

- significantly reducing the amount of traffic likely to access the Western Village prior to the construction of Access A to that from the 82 lots in Stage 5; and
- providing some certainty regarding the trigger for the construction of Access A.

However, for clarity the Department recommends that a condition be added to the Project Approval specifically stating that the roundabout is to be constructed as part of the Stage 6 works and that the Subdivision Certificate for Stage 6 or any other stage in the Western Village is not to be issued until the roundabout at Access A has been completed.

5.3 Construction of an acoustic screen along the rear boundaries of the new 21 lots.

The proponent is seeking approval for the construction of an acoustic screen along the southern boundary of the new 21 lots and an acoustic assessment report (**refer Tag 12**) has been submitted in support of this aspect of the proposal. That report states that the daytime and night time noise levels for these lots will exceed that set out in the Department of Environment, Climate Change and Waters' guidelines "Environmental Criteria for Road Traffic Noise" (ECRTN) and recommends the erection of an acoustic screen along specific boundaries of these new lots, in conjunction with appropriate architectural treatment for two storey dwellings.

The proposed screen is required to have an overall height of 3.4m, and will be made up of a 1.6m high landscaped earth mound, on top of which will be a 1.8m high colourbond miniorb fence. It is proposed to extend for the full length of the southern boundaries of the new lots and return along the eastern boundary of lots 601 and 1001, the western boundary of lot 610 so as to minimise the impact of traffic noise from Naval College Road. The Landscape Plan: Acoustic Treatment (**Tag 13**) includes a plan and cross section of this proposed acoustic screen.

The proponent advises that the proposed colourbond miniorb material is preferred to the originally proposed hardwood timber because it requires less maintenance, is equivalent in acoustic qualities, and is more appropriate in areas of high bushfire threat. The Department is satisfied that the use of a colourbond fence in this situation is a better option than a timber fence and so supports this proposed change in materials.

The acoustic screen will comprise an earth mound and a colourbond fence, with the batter of the earth mound extending into the rear yard of the new lots and into the road reserve of Naval College Road. Council did not object to the batter encroaching into the road reserve, but did suggest that future occupants of the new lots may seek to alter the batter to make the rear yards more usable and that this alteration may adversely impact the structural integrity of the acoustic wall.

Council proposed that within the new lots the batter be replaced with an "aesthetically designed structural retaining wall". While the Department appreciates Council's concerns, it does not support the solution proposed by Council because of the unacceptable visual impact of a 3.4m high wall along the rear boundary of these lots when viewed from within the lot. Rather, the Department supports Council's suggestion of the imposition of a Restriction as to User (RATU) on these properties requiring the owners to ensure that any works undertaken in the rear yard do not

adversely impact on the structural integrity of the acoustic wall. A specific condition has been added to the Project Approval to address this matter.

The acoustic report submitted with the application also notes that the proposed acoustic screen will not have the required effect for any two storey dwellings erected on these new lots, and recommends that noise attenuation measures for such dwellings include consideration of the use of mechanical ventilation to enable windows to be kept shut, and a combination of layout design and the use of solid boundary fencing. The proponent has advised that based on current trends it is more likely that dwellings on these lots will be of single storey construction. The Department is satisfied that, whilst not ideal, this is an acceptable solution and a condition has been added to the Project Approval requiring a RATU on these lots for any two storey dwellings. Council has not raised any objection to this proposed solution.

Concern was raised regarding the eventual appearance of this acoustic screen when viewed from Naval College Road, and reference was made to other parts of the Vincentia Coastal Village subdivision which, it is claimed, have not been landscaped appropriately. The proponent has advised that the combination of colourbond miniorb fencing and a landscaped batter is consistent with other parts of the subdivision and other subdivisions within the Shoalhaven local government area. In addition, they have advised that those areas identified as having incomplete or unfinished landscaping have not been completed because of upcoming service relocation works, and that upon completion of those works the landscaping will be completed in accordance with the approved landscaping plan. Based on the information provided by Integral Energy and the conditions of approval and Statement of Commitments previously issued to Stockland, the Department is satisfied that the landscaping work along this section of Naval College Road will be completed to a satisfactory standard once all works in this section of the site have been completed.

The Department is satisfied that the erection of a colourbond acoustic screen in this part of the site is acceptable for the following reasons:

- It will mitigate the acoustic impact of the upgraded Naval College Road on these new residential lots;
- It is an appropriate material in areas of high bushfire threat; and
- The proposed landscaping will, upon maturity, afford an appropriate visual screen to soften the appearance of this fence.

6 CONCLUSION AND RECOMMENDATIONS

This application seeks approval for the following modifications:

- the creation of 21 new residential lots along the Naval College Road frontage of the Western Village;
- postponing the construction of the roundabout intersection at Access A on Naval College Road; and
- the construction of an acoustic screen along appropriate boundaries of the new 21 lots.

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

The Department has formed the view that:

- with this modification the residential subdivision is generally consistent with the approved layout of the subdivision; and
- the revised timing for the construction of the roundabout at intersection A is consistent with the original approved timing.

On this basis approval of this application to modify the Concept plan and Project Approval is recommended subject to the imposition of conditions to mitigate the environmental impact of the proposal.



John Phillipott
Senior Environmental Planner
9228 6441



Joanna Bakopanos
Team Leader

APPENDIX A RECOMMENDED MODIFYING INSTRUMENT
