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**Section 75W Modification No. 11
Environmental Assessment**



Vincentia Residential Subdivision
Project Application MP06_0058

Prepared for: Stockland
Project No: 6376B
Date: February 2011



Section 75W Modification
Vincentia Residential Subdivision

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- A. Application Form
- B. Draft subdivision plans and draft S.88B instrument

1 Introduction

1.1 Commission

Don Fox Planning (DFP) has been commissioned by Stockland to prepare an Environmental Assessment for a modification of Project Approval (MP06_0058) for the Vincentia Coastal Village & District Centre, Corner of Wool Road and Naval College Road, Vincentia.

The modification involves the subdivision of four super lots in Stage 5 of the western village into 23 lots.

The application form is attached to this letter at **Appendix A**.

1.2 Purpose of Report

The purpose of this report is to provide the Department of Planning (DoP) with the relevant information necessary to assess and determine the subject modification proposal in accordance with section 75W of the EP&A Act.

This report has been prepared in accordance with the provisions of section 75W(2) of the *Environmental Planning & Assessment Act* (EP&A Act) to request that the Minister for Planning (the Minister) modify the Project Approval (MP06_0058) and the Statement of Commitments that relate to the Vincentia Coastal Village & District Centre development.

2 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. The Concept Plan and Project approvals were last modified on 2nd September 2010 (Modification No 8).

Modification No. 8 approved a revised layout for Stage 5 in the western village including the creation of four super lots. This section 75W modification relates to those four super lots.

There are two other section 75W modifications currently being assessed by the DoP referred to as Modifications 9 and 10. This section 75W modification is referred to as Modification No. 11.

The lot yield approved under Modification No. 8 resulted in a minor reduction from the previously approved 603 lots to 582 lots as a result of re-organising the subdivision layout in the western precinct. If Modifications 9 and 10 are both approved, the resultant lot yield will be 595 lots.

3 Site Context

3.1 Site Description

The land to which the section 75W relates is now known as Lot 237 DP1141763.

Figure 1 is the subdivision layout approved under Modification No. 8 which created the super lots. The subject land has been highlighted on the subdivision layout to indicate its location within the western village.



Figure 1: Location of subject land within the western village

Land owner's consent to the lodgement of the section 75W application is provided on the application form at **Appendix A**.

4 Proposed Modification

The proposed section 75W modification involves a modification to the subdivision layout approved under the Project approval (MP06_0058). The proposed modification involves subdivision of the four super lots located in Stage 5 of the western village into 23 Torrens title lots.

4.1 Proposed Lots

The proposal involves the subdivision of four super lots into 23 Torrens title residential lots of varying sizes. The draft subdivision plan at **Appendix B** illustrates the proposed subdivision and includes the draft s.88B instrument that will accompany the draft plan of subdivision.

The total number of lots approved to date (including Modification No 8) is 582 lots. Two further s.75W modification applications are currently being assessed by DoP that also vary the number of lots. The schedule of lots proposed in this s.75W modification and Modifications 9 and 10 are set out below.

Approved under s.75W Modification No. 8	582
Total Proposed under s.75W Modification No 9. (reduction of 8 lots)	574
Total Proposed under s.75W Modification No 10. (addition of 21 lots)	595
Total proposed under this s.75W Modification (net increase of 19 (23 proposed - 4 approved super lots)	614

The Concept Plan and Project approval as originally approved allowed for 607 lots. This has been adjusted slightly with various modifications. The proposed subdivision of the super lots increases the lot yield to 7 lots over the original approval.

Table 1 below sets out the dimensions and site areas of the proposed lots.

Table 1: Proposed lot details

Lot Number	Approx. Site Dimensions		Site Area (m ²) as shown on draft subdivision plan
	Frontage (m)	Depth (m)	
575	8.8 / 6.0	30.2	361
576	10.1	30.2	302.1
577	10.	30.2	301.6
578	10	30.0	300
579	10	30.0	300
580	10	30.0	300
581	8.1 / 6.9	30.0	438.7
582	7.5 / 5.67	36.5	502
583	10	36.5	365
584	10	36.5	365
585	10	36.5	365
586	6.86 / 5.92	36.5	442.5
587	23.7 / 5.4	22.5	689.6
588	8.5 / 5.65	30.0	367
589	15	30.0	450
590	11.5 / 6.27	30.0	563.9
591	18.9 / 5.26	25.0	618.9
592	14 / 6	32.8	556.4
593	17.8	30.6	566
594	17.8	28.4	526.9
595	10.8 / 7.3	28.4	522
596	11 / 5.4	37.4	633.2
597	12 / 5.6	37.4	608.2

5 Environmental Assessment

5.1 State Environmental Planning Policy (Major Development) 2005

The subject site is identified as a State significant site under Part 29 to Schedule 3 of the SEPP.

5.1.1 Zoning and permissibility

Under clause 14 to Part 29, subdivision of land is permissible with development consent.

5.1.2 Zone Objectives

The objectives of the R2 – Low Density Residential zone are:

- (a) to provide for the housing needs of the community within a low density residential environment,
- (b) to enable other land uses that provide facilities or services to meet the day to day needs of residents,

- (c) to incorporate contemporary design principles in the design of new buildings and the relationship of those buildings to the public domain and the natural environment,
- (d) to promote energy efficiency and other sustainable development practices,
- (e) to minimise the impact on residential development from non-residential development (such as impacts relating to operating hours, noise, loss of privacy and vehicular and pedestrian traffic).

Under clause 8(2) to Part 29, the consent authority must have regard to the objectives for development in a zone when determining a development application (DA) in respect of land within the zone. Whilst the proposed section 75W is not a DA the zone objectives have been considered in this assessment. The proposed section 75W modification is considered to be consistent with the objective (a) by providing a mix of lot sizes, including small lots to facilitate a diversity of housing within a low density residential environment.

5.1.3 Clause 5 – Relationship with other environmental planning instruments

Clause 5 to Part 29 provides as follows:

"The only environmental planning instruments that apply, according to their terms, to land within the Vincentia Coastal Village site are 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."

The proposal does not involve any variation to a development standard, therefore SEPP 1 is not relevant and the provisions of SEPP 71 are not applicable to the subject site. There are no other SEPPs of relevance to the proposal.

5.1.4 Clause 24 - Development within the coastal zone

Clause 24 requires a consent authority to address certain matters for land partly or wholly within the coastal zone. The land to which the application relates falls within the "coastal zone" but is not within a "sensitive coastal location" as illustrated in **Figure 2** below.

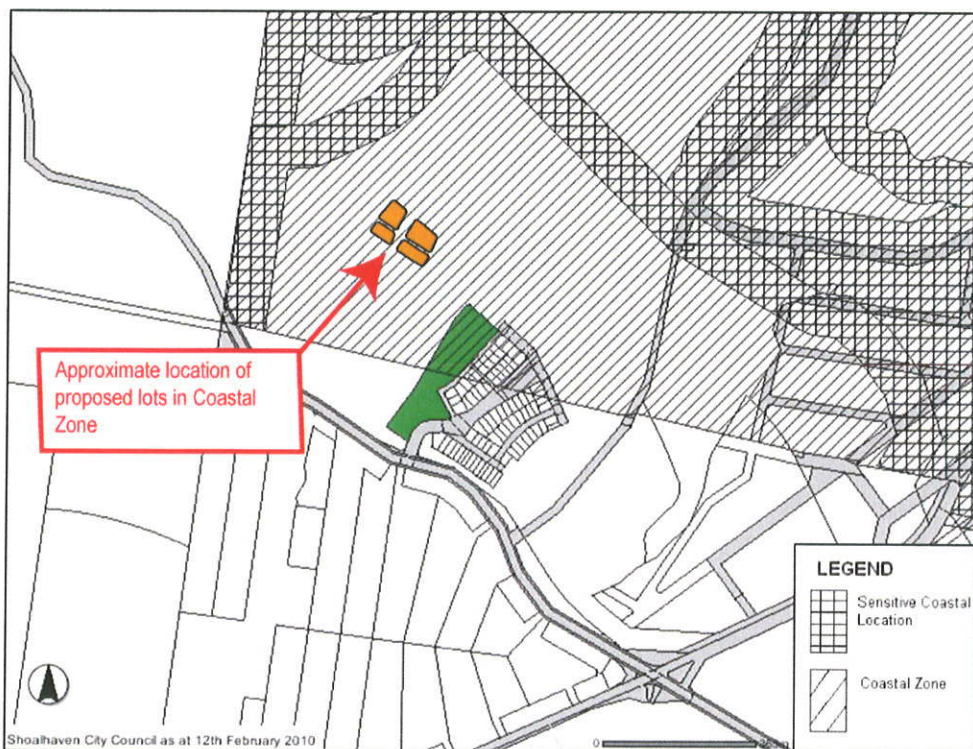


Figure 2 – Coastal Zone

An assessment of the provisions of clause 24 has been carried out in Table 3 below.

Table 2: Assessment against clause 24 provisions

Provision	Comment
(2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered	
(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to: (i) maintaining existing public access and, where possible, improving that access, and (ii) identifying opportunities for new public access, and	Not applicable
(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account: (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and (ii) the location, and (iii) the bulk, scale, size and overall built form design of any building or work involved, and	The subdivision will allow for housing which will be compatible with the scale of future housing in the residential subdivision. The s.88B instrument includes restrictions as to user to ensure front setbacks and design controls are part of the title of the proposed lots to ensure future housing is consistent with the design controls in place for the future housing within the residential subdivision.
(c) the impact of the proposed development on the amenity of the coastal foreshore including: (i) any significant overshadowing of the coastal foreshore, and (ii) any loss of views from a public place to the coastal foreshore, and	The site is not located along the foreshore and therefore this consideration is not relevant.
(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and	The scenic qualities of the VCV & DC site have been addressed in the Concept Plan and Project Approvals. The subject site is within the footprint of the approved residential subdivision.
(e) how biodiversity and ecosystems, including: (i) native coastal vegetation and existing wildlife corridors, and (ii) rock platforms, and (iii) water quality of coastal waterbodies, and (iv) native fauna and native flora, and their habitats, can be conserved, and	The range of considerations under the Threatened Species Conservation Act has been addressed as part of the Concept Plan and Project Application approvals process resulting in the E2 - Environmental Zone land beyond the residential footprint. The proposed lots are located within the developable footprint and do not encroach into the Environmental Zone.
(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise: (i) on the proposed development, and (ii) arising from the proposed development, and	The proposed lots are located approximately 2km from the coast and are well separated the coast. The Concept Plan approval addressed potential sea level rise impacts.

Provision	Comment
(g) the cumulative impacts of the proposed development and other development on the coastal catchment.	All facets of the environment were comprehensively examined in the earlier Concept Plan and Project EAR. The Concept Plan and Project approvals related to a residential subdivision for future housing. The proposed s.75W modification increases the lot yield by 7 lots above that approved under the Concept Plan and Project approvals which is a minor increase. The lots are contained within the approved urban footprint and are not considered to result in unacceptable cumulative impacts.
(3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that	
(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and	Not applicable
(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and	Not applicable
(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.	Impacts of water quality were assessed as part of the Concept Plan/Project approval. The approved WSUD measures including the stormwater quality treatment measures will be installed as part of the subdivision to cater for stormwater run-off from future houses on the proposed lots.

5.2 Previous Assessment of the Concept Plan and Project Application

The assessment of the Concept Plan and Project applications considered a wide range of environmental issues including:

- Flora and fauna impacts and tree removal
- Water management including flooding impacts, drainage and WSUD measures
- Bushfire impacts
- Social infrastructure and the community
- Transportation
- Aboriginal heritage
- Utilities provision

The proposed lots occupy the same footprint as the approved lots within the residential subdivision. The above environmental issues have already been addressed as part of the Concept Plan and Project approvals. The section 75W modification does not require further assessment of these issues. The environmental issues of relevance to the proposal are discussed and assessed in the balance of this report.

6 Consistency with Concept and Project Approvals

The proposed modifications are considered to be consistent with the Concept Plan and Project approvals for the following reasons:

- The ultimate lot yield is generally consistent with the 607 lots originally approved under the Concept Plan and Project approvals on 21 January 2007. The resultant yield of 614 lots is only marginally higher than that upon which the original Environmental Assessment was based.
- Modification 8 approved the creation of super lots which in turn contemplated the future development of the super lots.
- The proposed subdivision of the super lots in to smaller lots retains the approved street network
- The Concept Plan and Project approvals planned for smaller lots / dwelling types. The location of these products has changed with previous s.75W modifications to the subdivision layout. The proposed small lots are consistent with the housing diversity originally approved.

7 Conclusion

The proposed modifications to the Project Application approval is submitted in accordance with the provisions of s.75W of the EP&A Act.

The subdivision of the four super lots into 23 lots is considered to be generally consistent with the approved subdivision pattern and originally approved lot yield. The provision of small lots is also consistent with the objective of the Concept Plan approval to provide diversity in lots and housing choice and affordability.