

3 August 2011
Our Ref: 6376B.29DK_mod 11

The Director-General
Department of Planning and Infrastructure
GPO BOX 39
SYDNEY 2000

Attention: John Phillpott

Dear John,

Section 75W Modification of Project Application (MP06_0058) – Modification No. 11

We refer to the submissions received from Shoalhaven City Council and the Vincentia Residents and Ratepayers Association Inc regarding the above section 75W modification. This letter provides responses to the issues raised in the submissions. In the process of reviewing the submissions, Stockland proposes amendment the application, and **Attachment A** is the modified plan for which approval is sought.

1.0 Shoalhaven Council's Letter

Shoalhaven Council's letter makes general comments regarding the proposed modification and eight recommendations for a redesign. We have summarised the general comments and addressed each of the eight recommendations.

1.1 Site area of the super lots approved under Modification 8 has increased

The site areas of each of the super lots (Lots 573, 574, 701 and 716) have increased from Modification 8. This amendment was not highlighted in the Environmental Assessment accompanying Modification 11. However, the increased site areas are intended to form part of the Modification. The reason for the increase in site areas is explained below.

- Super lot 573 has increased in area by 224.7m² due to the incorporation of part of the very wide verge on the eastern side of Seagrass Avenue into the super lot. This has been proposed in order to reduce the extent of verge that would otherwise become the Council's responsibility to maintain.
- Super lot 574 has increased in area by 77.49m² also due to the incorporation of part the very wide verge on the eastern side of Seagrass Avenue into the super lot. As above, this reduces the extent of verge that would otherwise become the Council's responsibility to maintain.
- Super lot 701 has increased in area by 402.5m² above that approved in Mod 8 by incorporating the very wide verge along Halloran Street into the super lot. The extent of the increase is reduced with the amendment of the road reserve width from 13.5m to 16m, as discussed below.
- Super lot 716 has increased marginally by 8.4m² due to slight adjustments in overall boundary alignments.

The increased site area of the super lots reduces the width of the verges along Seagrass Avenue and part of Halloran Street (west of Seagrass Avenue). The future character of these



streets (particularly in relation to the treed character) can still be achieved in the reduced verge width in conjunction with the wide medians that occur intermittently along the ridge road.

1.2 Road widths have been amended from Modification 8

Council states that the road widths have been amended from Modification No. 8. Specifically, Council states that the width of Halloran Street as proposed in Modification 11 is 18m adjacent to super lot 574 and 13.5m adjacent to super lot 701.

Council states that Halloran Street should have a road reserve width of 20m, consistent with DCP 100 – Subdivision. The road widths have been approved as part of the Concept Plan and DCP 100 is not the relevant development control in this instance. Notwithstanding, the EAR specifies a road reserve of 20m for a collector road and 16m for a local road.

- Halloran Street outside Super lot 574 is a 'collector road' (20m wide) as shown at page 29 of the approved EAR. Halloran Street is proposed to have a typical road reserve of 20m (4.5m verge on south side, 7m pavement, 2.5m parking bay and 6m verge on northern side) not 18m as submitted by Council. The road reserve of 20m is consistent with the EAR outside Super lot 574 and complies with the EAR. No change is required to this section of Halloran Street.
- Halloran Street outside super Lot 701 is a 'local road' (16m) as shown at page 29 of the approved EAR. Halloran Street was shown to have a road reserve of 13.5m. The proposed road reserve departs from the EAR. Stockland proposes to increase the road reserve in this location to 16m consistent with the EAR. **Attachment A** illustrates this amendment. This will reduce the overall site area of super lot 701.

1.3 Indented car parking bays

Statement of Commitment No. 66 (as approved) requires 1 car parking bay along collector and ridge roads for every 2 dwellings (which logically could only have meant per 2 lots for a residential subdivision). The indented car parking bays are progressively being provided along these roads. An indented car parking bay is provided along the full frontage of Super lot 574. The amended plan at **Attachment A** shows the indented car parking bays (not shown the plans originally lodged).

Council states that the 13.5m road reserve outside Super lot 701 does not have an indented car parking bay. In accordance with Statement of Commitment No. 66, this section of Halloran Street being a local road is not required to have indented car parking bays. However, as noted above, Stockland proposes to increase the road reserve width to 16m (in accordance with the approved Concept Plan) which will allow for the provision of an intended car parking bay. This arrangement is workable as the lots have frontage to Halyard Lane providing vehicular access to the proposed lots and thereby enable the provision of the indented car parking bay.

Attachment B is a sketch indicating the location of the already constructed indented car parking bays and those to be constructed along Halloran Street. **Attachment B** illustrates that the ratio of 1 car parking bay per 2 lots is achieved.

1.4 Increase to 614 lots is not justified

Council appears to object to the lot yield on the grounds that *"the increase appears to be as a result of proposing small lots that are less than DCP 100 standards."*

The Product Diversity Plan approved as part of the Project approval in January 2007 proposed lot sizes ranging from less than 300m² to over 600m². The lot mix provided for a significant percentage of lots below Council's minimum 500m². The Section 75W modification is consistent

with the Concept Plan approval and its lot mix approach. Further it is unreasonable to apply DCP 100 as a development control for lot sizes when there is a Concept Plan approval in place. Council's specific suggestions regarding the site area of certain lots is addressed in Section 1.5 below.

1.5 Council's recommended design changes

In light of the Council's comments, the Council has made eight recommendations to redesign the proposed modification. We address each of these in the table below.

Council's Recommendation	Comment
Halloran Street road reserve be a minimum 20 m wide between Summercloud Crescent and Seagrass Avenue and minimum 18 wide between Seagrass Avenue and the n-w public reserve	<p>A 20m wide road reserve is provided between Summercloud Crescent and Seagrass Avenue and an amendment is not required.</p> <p>The 13.5m wide road reserve between Seagrass Avenue and the north-west public reserve is proposed to be increased to 16m (consistent with a local road under the approved Concept Plan).</p>
The number of lots be reduced to result in an aggregate residential yield of approximately 604 lots consistent with the Concept and Project Approval of 25 January 2007	The proposed lot yield under Modification 11 is 614 lots, or 10 lots greater than that originally approved. This is only a 1.6% increase in the approved lot yield and is considered a minor increase and consistent with the Concept Plan and Project approvals.
Proposed lot 588 be increased in size to at least 500m ² area	Council asserts that the site area lot 588 is of concern as the proposed lot is subject to additional restrictions to development. We have reviewed the General Housing Code contained in SEPP (Exempt and Complying Development Codes) 2008. This Code applies to lots of greater than 200m ² with a frontage of at least 6m. Lot 588 meets these criteria. The Code also requires (in this case) a minimum front setback to a primary road of 4.5m and minimum setback to a secondary road of 2m. Therefore the SEPP contemplates that a dwelling house could be approved as complying development on a lot such as Lot 588. To require the lot to be increased to 500m ² for reasons of being constrained or of inadequate site area is inconsistent with the State policy. Amendment to lot 588 is not considered necessary.
The number of lots as a result of the subdivision of lot 701 be reduced in number and each resultant lot be increased to at least 500m ² area	<p>The 500m² lot size is a development control contained in DCP 100. The Concept Plan has approved a lot mix with site areas ranging from less than 300m² – 500m². The lot sizes are consistent with the product diversity approved as part of the Concept Plan application.</p>
The number of lots as a result of the subdivision of lot 574 be reduced and each lot be increased to at least 500m ² area	
The proposal consider the effectiveness for vehicular access to each new lot as a result of providing a continuous indent bay to lots 574 and 701 and to identify the number of spaces available that are not impacted by vehicular access to the individual lots.	Lots 574 and 701 are provided with a second road frontage to Halyard Lane which will provide vehicular access to the proposed lots on these super lots. The indented car parking bays can be provided along Halloran Street without affecting vehicular access to the proposed lots.



Council's Recommendation	Comment
The proposal must demonstrate that the provision of practical indent bays in Halloran Street satisfies the Concept approval yield of 1 bay per 2 lots.	Attachment B demonstrates that this ratio has been achieved.

2.0 Vincentia Residents and Ratepayers Association Inc Letter

2.1 Proposed lot numbers

We have previously confirmed with the Department the progression of approved/proposed lots for this project which is as follows:

Application / Modification	Date of Approval	Approved lot numbers
Originally approved under Concept Plan/Project Approval	25 January 2007	604 lots
Approved under Modification No. 8	2 September 2010	582 lots
Approved under Modification No. 10	14 March 2011	574 lots
Approved under Modification No. 9	24 March 2011	595 lots
Proposed under Modification No. 11	being assessed	614 lots

2.2 Small lots

The Vincentia Residents and Ratepayers Association Inc considers that the small lots are acceptable adjacent to the District Centre, but not in the Western Village. They also consider that the small lots should be increased to Council's 500m² minimum lot size, and that smaller lots would be out of character with the prevailing lot size.

The Product Diversity Plan approved as part of the Project approval in January 2007 indicated small lots distributed in various locations within the western village including 4 in the vicinity of the subject land fronting Halloran Street and 11 located north of the subject site along Summercloud Crescent opposite the environmental zone. There are also some other small lots located south of Halloran Street. The amended subdivision layout in **Attachment A** proposes a total of 14 lots that are less than 500m² which is less than the 15 shown on the approved Product Diversity Plan. The subdivision layout proposed as part of this Section 75W modification is considered to be consistent with the product diversity approach approved as part of the Concept Plan and Project Applications.

The small lots will allow a different housing form which was always intended as part of the future character of the residential estate. Whilst this might differ from the built character to date, the submitters do not take into account the intended character of the approved subdivision when completed which will incorporate lots between less than 300m² and 500m².

The location of the small lots is not considered inappropriate. They are approximately 600m from the district centre which is still within comfortable walking or cycling distance. The small lots provide housing choice and affordability in a location convenient to the district centre. They are therefore considered to be appropriate.



3.0 Conclusion

In the process of reviewing the submissions, Stockland proposes to make a minor amendment to the Section 75W modification 11.

An amended plan is included in **Attachment A** which incorporates two amendments including:

1. An increase in the width of the road reserve to 16m along Halloran Avenue outside super lot 701. This section of Halloran Street was nominated as a local road in the approved Concept Plan application and the proposed road reserve width of 16m is consistent with the approval.
2. The provision of an indented car parking bay along Halloran Street (adjacent to super lot 701).

We trust that the above responses assist the Department in completing its assessment of the Section 75W modification. Should you have any questions regarding this application please contact David Kettle on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LIMITED

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

**DAVID KETTLE
PARTNER**

dkettle@donfoxplanning.com.au

Reviewed: _____

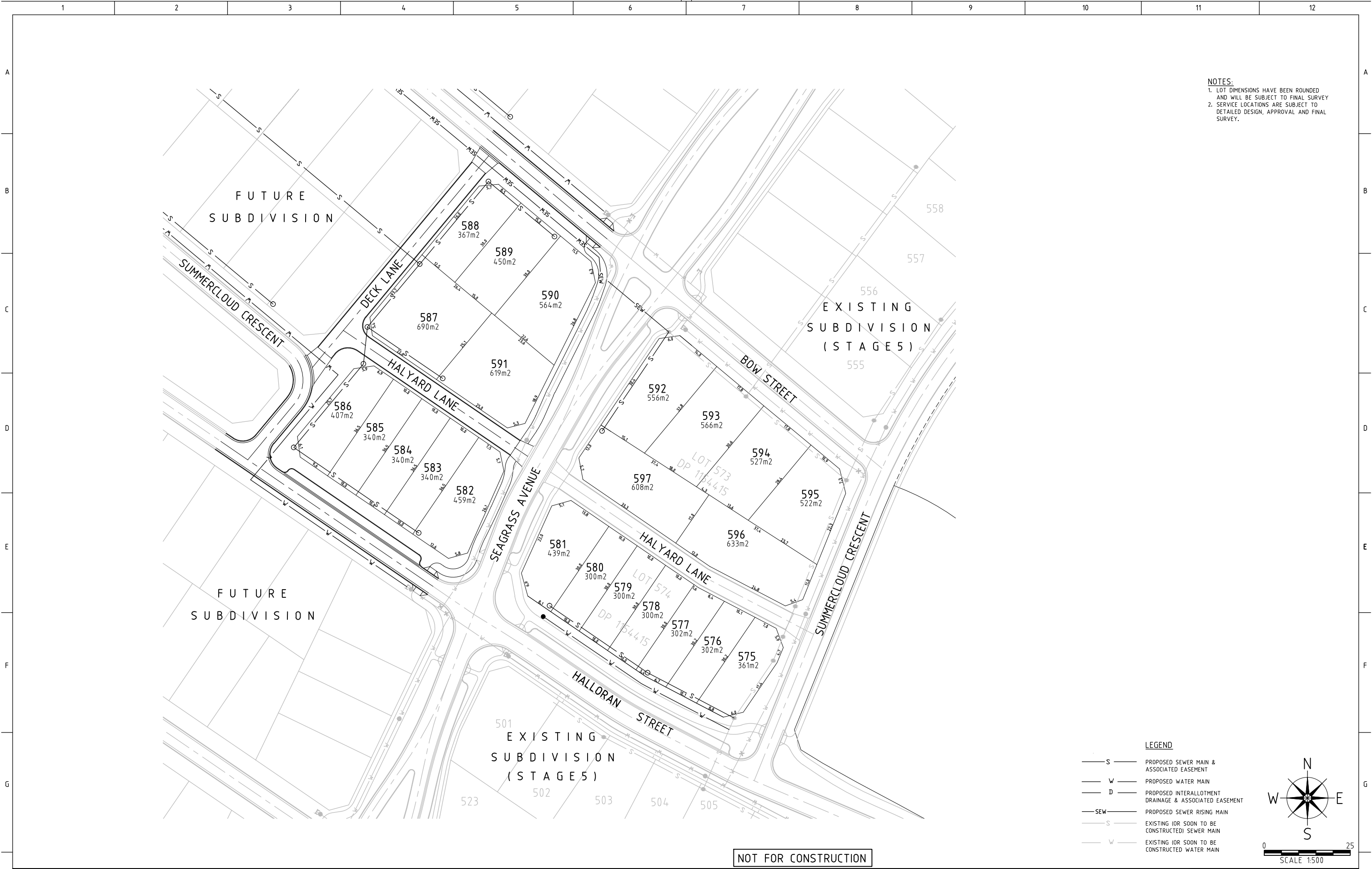
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Encl. Attachment A: Amended subdivision layout
Attachment B : Indented car parking bay sketch




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ATTACHMENT A



NOTES:
1. LOT DIMENSIONS HAVE BEEN ROUNDED
AND WILL BE SUBJECT TO FINAL SURVEY
2. SERVICE LOCATIONS ARE SUBJECT TO
DETAILED DESIGN, APPROVAL AND FINAL
SURVEY.

NOT FOR CONSTRUCTION

REV	DATE	BY	APP.	DETAILS	DRAWING STATUS			SCALE: (on A1 Original) 1:500	 LEVEL 1, 47 BURELLI STREET, WOLLONGONG, NSW 2500 Ph: (02) 4228 4133 Facsimile: (02) 4228 6811 ACN 003 936 981 <i>This drawing is subject to COPYRIGHT. It remains the property of Cardno Pty Ltd</i>	PROJECT TITLE BAYSWOOD VINCENTIA for STOCKLAND DEVELOPMENTS PTY LTD	DRAWING TITLE SUPER LOT SUBDIVISION MODIFICATION 11			
					DESIGN BY	MAK	26/07/11				Project No. 104016	Com No. 500	Drawing No. 500028	REV 0
					DRAWN BY	AJM	26/07/11							
					DRAFTING CHECK	AJM	28/07/11							
					DESIGN CHECK	MAK	28/07/11							
					FINAL APPROVAL	MAK	28/07/11							
					APPROVAL									
								HEIGHT DATUM AHD						



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ATTACHMENT B

41 Lots
24 Car spaces

