

**MAJOR PROJECT ASSESSMENT:
Vincentia Coastal Village, Naval College Road,
Vincentia**

**Modification 11 (MP06_0058)
Subdivision of 4 Residential Super Lots into
23 Residential Lots**



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

October, 2011.

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Stockland Development Pty Ltd
RtS	Response to Submissions

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EXECUTIVE SUMMARY

On 25 January 2007, the then Minister for Planning granted Concept Plan approval (MP06_0060) for a shopping centre (the Vincentia District Centre), a residential subdivision (the Vincentia Coastal Village), an adaptable housing development, and an environmental protection area. At the same time, Project Application approval (MP06_0058) was granted for the residential subdivision. This application seeks to modify only the Project Application approval.

The approved 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 Vincentia District Centre and bushland to the east.

This modification proposes the subdivision of four large residential lots in the centre of the western village into 23 smaller residential lots in response to changed market demand for smaller lots rather than multi dwelling housing on larger lots.

There have been a number of modifications that have changed the total number of lots. Modification 8 approved a revised layout in the western village, including the creation of the four large residential lots, which it is now proposed to subdivide. There is currently 595 approved residential lots, the proposed modification would increase this to 614.

The application was publicly exhibited from 16 May 2011 until 16 June 2011 at Council offices and Nowra library, and a copy of the application was forwarded to Shoalhaven City Council and the Vincentia Residents and Ratepayers Association (VRRRA) inviting their comment. In response four submissions were received: two from Council, and one from Shoalhaven Water and the VRRRA.

Council objected to the increase in the overall number of lots in the subdivision; the size of some of the proposed lots; the reduction in road widths; and the loss of indented, on-street parking. Shoalhaven Water requested that their standard conditions be included in any approval. The VRRRA does not support the increase in the footprint of the subdivision or the increase in the number of lots.

In their response to submissions, the Proponent has stated that the lot sizes and road widths are generally consistent with the Concept Plan, however, in response to concerns raised, they now propose to increase the width of a section of Halloran Street, and provide indented parking bays along this section of Halloran Street.

Council has confirmed that the concerns it raised have been satisfied and that it no longer objects to this proposal.

The Department is satisfied that through the imposition of conditions of approval relating to access off Halloran Street as requested by Council, the proposed subdivision is generally consistent with the original Project Application and Concept Plan and can be approved.

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1. BACKGROUND

On 25 January 2007 the former Minister for Planning concurrently approved a Concept Plan (MP06_0060) and a Project Application (MP06_0058) for the Vincentia Coastal Village (the residential subdivision component). This Concept Plan comprised a 604 lot residential subdivision, a residential development for adaptable housing, a shopping centre, and environmental protection measures on the remaining part of the site. This application seeks to modify only the Project Application approval.

There have been ten previous applications to modify this Project Application. These related to the construction of a display village; the adoption of a project specific Exempt and Complying Development code; the inclusion of design guidelines for housing in the estate; and the consolidation and subdivision of various lots within parts of the overall subdivision. The approval of the most recent of these modifications, (MOD 9), increased the total number of lots to 595. In their application to create these four super lots the Proponent stated that they were being created to satisfy what they perceived was the market demand for these super lots.

The approved Project Application included a Product Diversity Plan (refer **Tag 1**) which identified the four different lot types that constitute this subdivision and their distribution across the subdivision. The guiding design principle behind this subdivision was to create a high quality, active, integrated and sustainable coastal community, the character of which is informed by the unique bushland setting and undulating topography and responding appropriately to the sites constraints.

Fig. 1: Aerial photo showing location of Vincentia Site

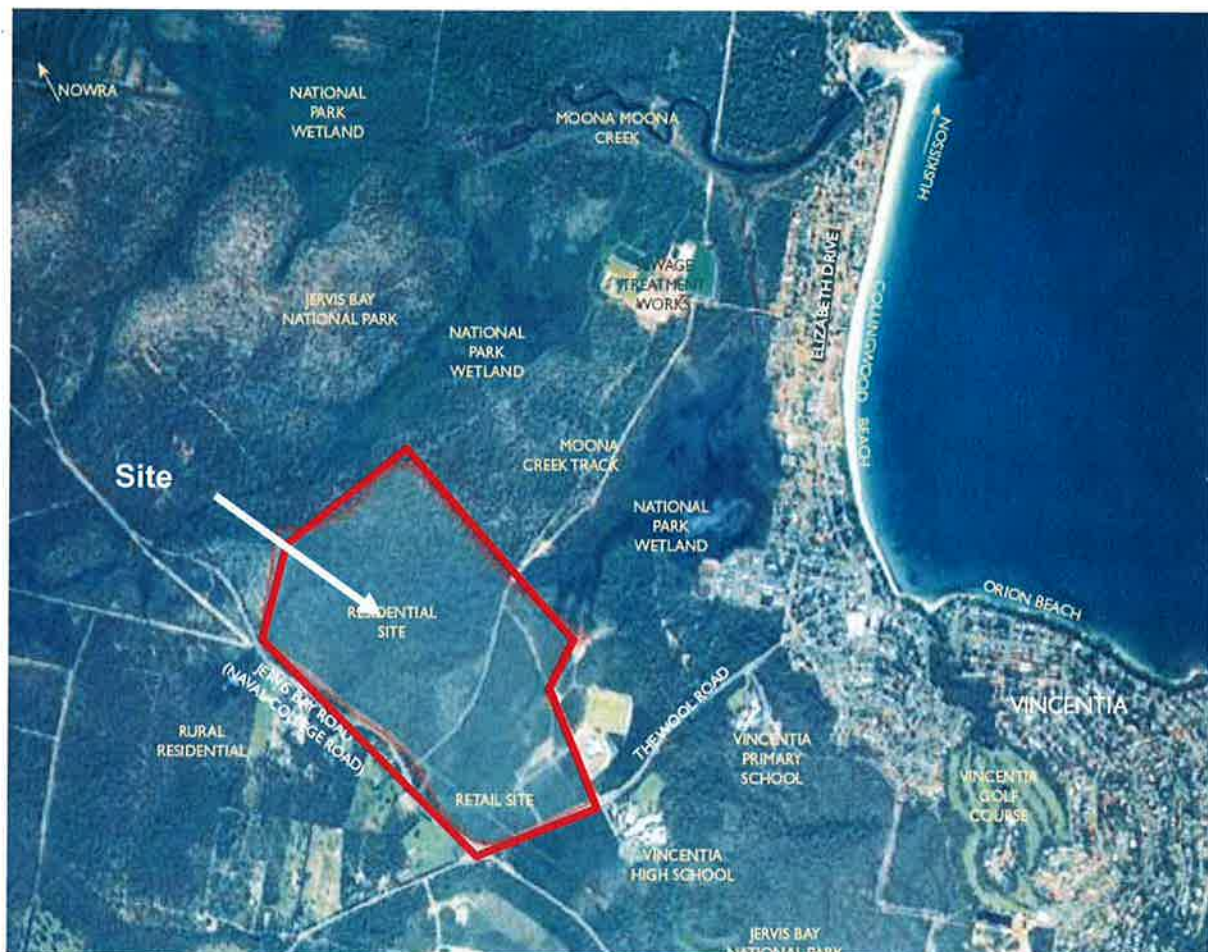


Fig. 2: Map showing location of these super lots within the overall Vincentia Coastal Village.

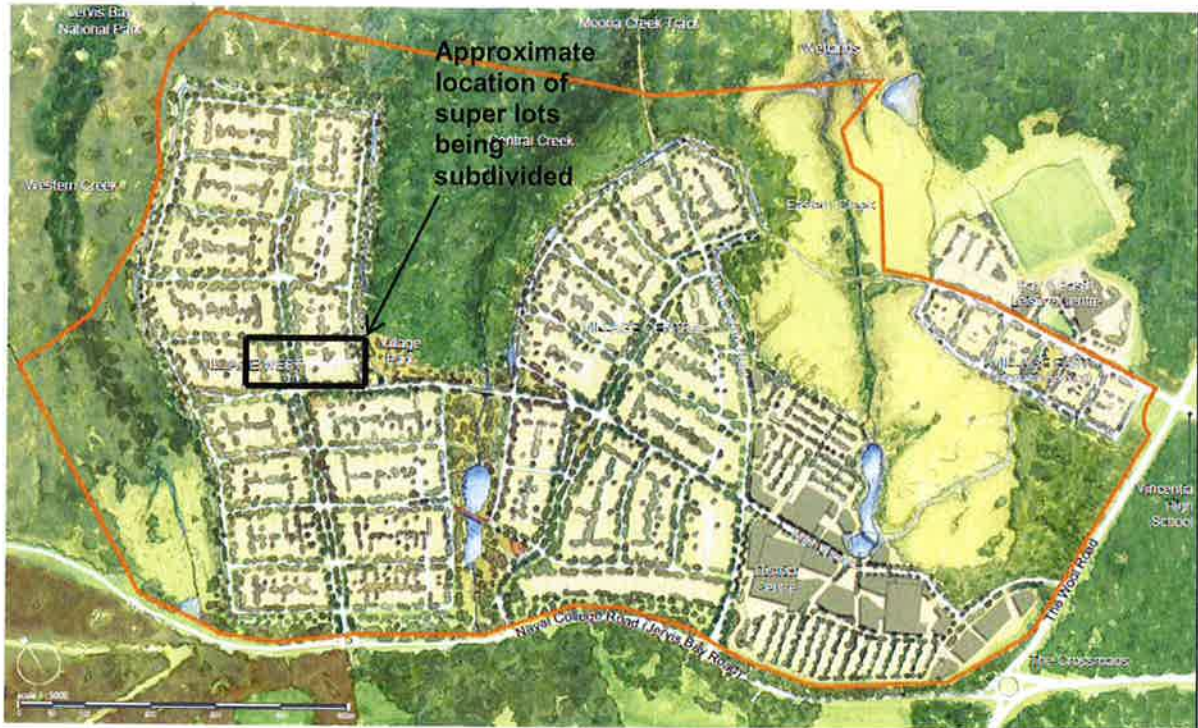


Fig. 3: Plan highlighting in pink the four super lots to be subdivided

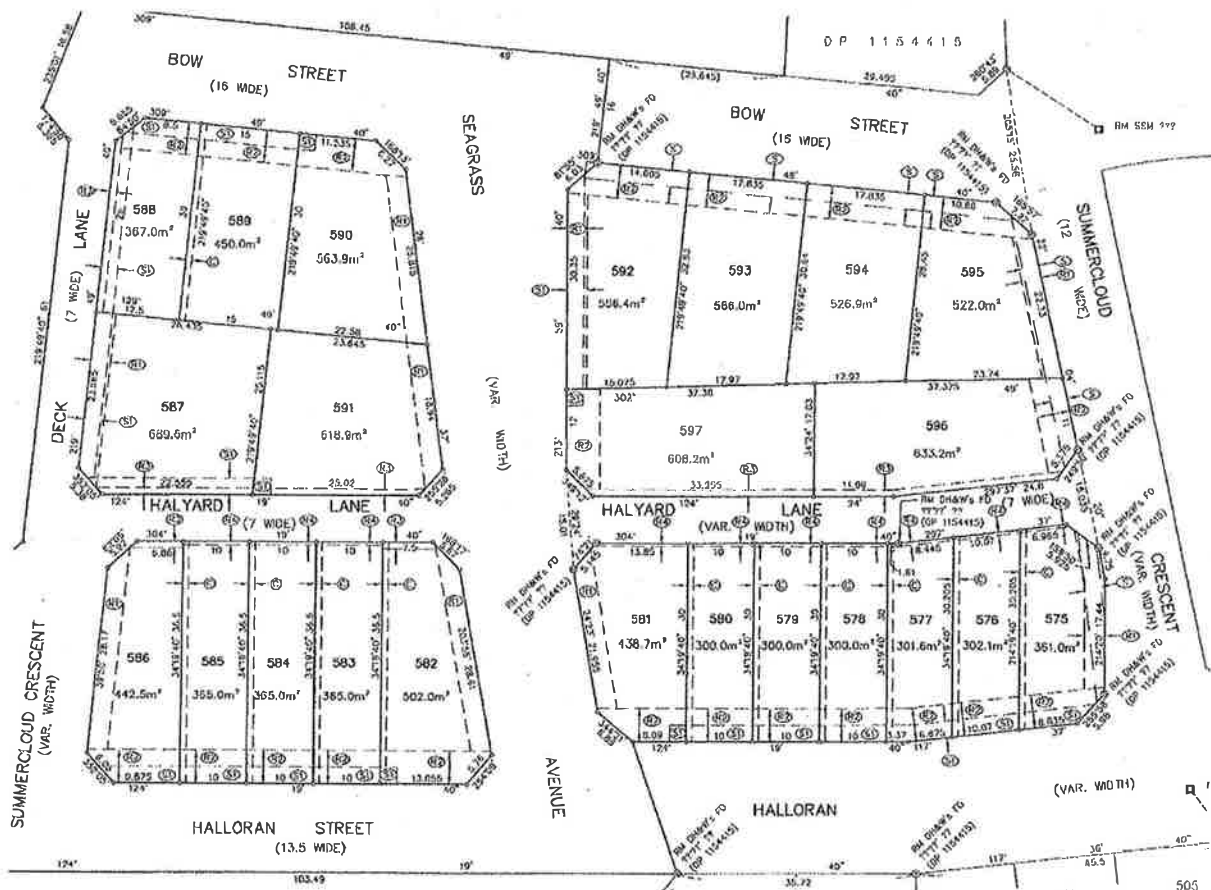


2. PROPOSED PROJECT

2.1. Project Description

Stockland Development Pty Ltd proposes to subdivide four large residential lots (Super lots) (see Fig. 3) into 23 smaller residential lots. The existing lots range in size from 1,637m² to 3,188m², with the proposed lots (see Fig. 4) ranging in size from 300m² to 690m², and with an average size of 447.5m².

Fig. 4: Proposed subdivision layout



2.2. Project Need and Justification

In 2008 the site of the Vincentia Coastal Village and District Centre was included in the Major Projects SEPP as a State Significant Site. This included rezoning the site of the Coastal Village to a mixture of R2 Low Density residential and E2 Environmental Conservation zones. The site of the proposed 23 lots is zoned R2 Low Density, and the proposed subdivision is consistent with the objectives of this zone and the intent of the original Project Application approval.

3. STATUTORY CONTEXT

3.1. Major Project

The modification of the Minister's Approval by way of s.75W is appropriate because the proposal is generally consistent with the original Project Application approval and will have limited environmental consequences.

In accordance with clause 3 of schedule 6A of the EP & A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by schedule 6A, continues to apply to transitional Part 3A projects.

3.2. Delegated Authority

The Minister for Planning and Infrastructure is the approval authority for the proposal. However, in accordance with the Minister's delegation dated 14 September 2011, the Deputy Director-General, Development Assessment and Systems Performance may determine the application on the Minister's behalf because

- Council has withdrawn its original objection;
- a political donation disclosure statement has been made, but only in respect to the original application and not in relation to this modification application; and
- less than 10 objections were received.

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 placed this application on public exhibition from Monday 16 May 2011 until Tuesday 14 June 2011 at the offices of Shoalhaven Council and Nowra library. In addition, on May 6 2011, a copy of the application was forwarded to Council and the VRRRA.

The Department received 4 submissions as a result of the exhibition - 3 from public authorities and 1 from a member of the public.

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

4.2. Public Authority Submissions

3 submissions were received from public authorities: 2 from Council and 1 from Shoalhaven Water.

Shoalhaven City Council – Council initially objected to the proposal and cited the following as the main issues to be addressed:

- increase in the number of lots;
- small lot sizes;
- reduction in road widths; and
- loss of indented parking bays.

In its subsequent submission Council recommended the following:

- That the local road to Lot 701 frontage be 16m without indented bays or 18m if indented bays are proposed;
- A Restriction As To User (RATU) be required to lots fronting Halloran Street where an indent bay is proposed, to ensure the indent bays remain viable; and
- Lots 575 and 588 are increased in area and the number of lots proposed below 370m² be reduced in number.

Council has now withdrawn its objection (refer **Tag 2**) to this Mod for the following reasons:

- The proponent has agreed to accept the imposition of the various RATU's as recommended by Council;
- It has accepted the reduced road reservation widths; and
- It has agreed that the approved Concept Plan included a range of lot sizes from 300m² upwards.

Shoalhaven Water did not object to the proposal and noted the following:

- the designs for new sewer and water mains are to be submitted to them for approval;
- developer service charges are payable per new lot; and
- the developer is to provide a 20mm metered service to each unmetered lot.

These issues have been addressed by way of conditions included in the Instrument of Approval to the Project Application (**Conditions A20 to A26 inclusive**).

4.3. Public Submissions

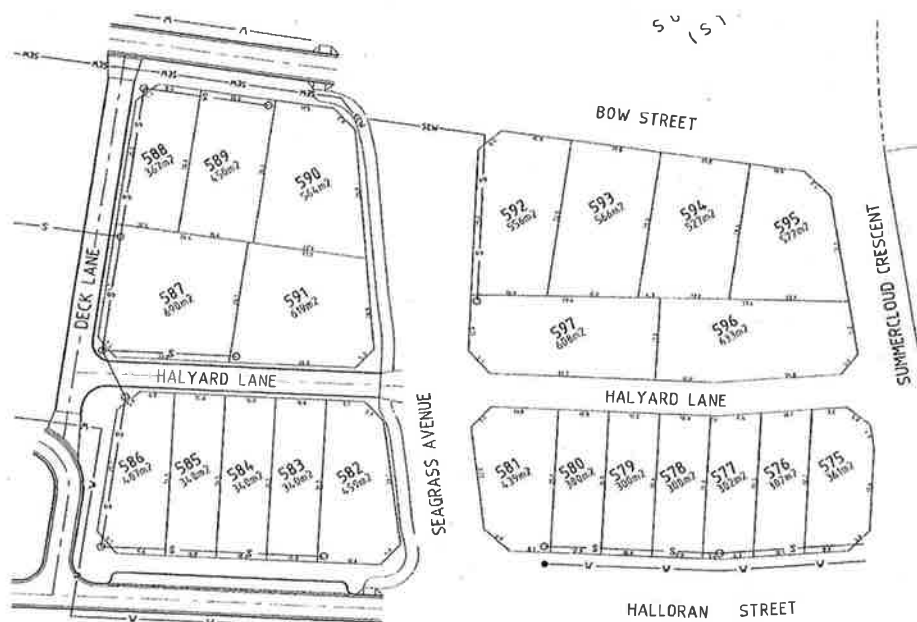
A submission was received from the VRRRA which states that the increase in the total number of lots is in excess of that originally approved and is unacceptable, and the small lots, while possibly acceptable if located adjacent to the District Centre, are not appropriate in the Western Village.

An assessment of the issues raised by the VRRRA is made in Section 5 of this report.

4.4. Proponent's Response to Submissions

Don Fox Planning Pty Ltd provided a response to the issues raised in submissions (refer **Appendix C**). The response included widening to 16 metres that section of Halloran Street forward of Lots 582-586 and adding an elongated, indented, on-street parking bay (refer **Fig 4**) as well as including further justification for other aspects of the proposal.

Fig 4 – Revised subdivision layout



5. ASSESSMENT

The Department considers the key issues are:

- the size of the proposed lots;
- the provision of indented on-street parking bays; and
- the increase in the total number of lots in the subdivision.

5.1. Size of the proposed lots

The 23 lots in the amended scheme range in size from 300m² to 690m², with the average being 447.5m².

Council did not originally support the proposed range of lot sizes, citing that their Development Control Plan (DCP 100) specifies a minimum lot size of 500m² and noting that the smallest lot recently approved by the Department was 400m². Similarly, the VRRRA also does not support the proposed lot sizes, believing that they are more appropriate closer to the District Centre.

In the response to submissions the Proponent has stated that:

- the Product Diversity Plan (refer **Tag 1**) that was approved as part of the Concept Plan and Project Application identified a range of lot sizes from 300m² upwards, and the range of lot sizes proposed is consistent with this Product Diversity Plan; and
- a dwelling house could be approved as Complying Development on a lot of this size under the "Exempt and Complying Development Vincentia Coastal Village" code which specifically relates to this subdivision and that was approved with Project Application Modification 2 dated 9 July 2008.

In its subsequent submission Council agreed that the initial Concept Plan approved lots that range in size from 300m² upwards, and has now withdrawn its original objection to this Modification stating that its concerns have now been satisfied (refer **Tag 2**).

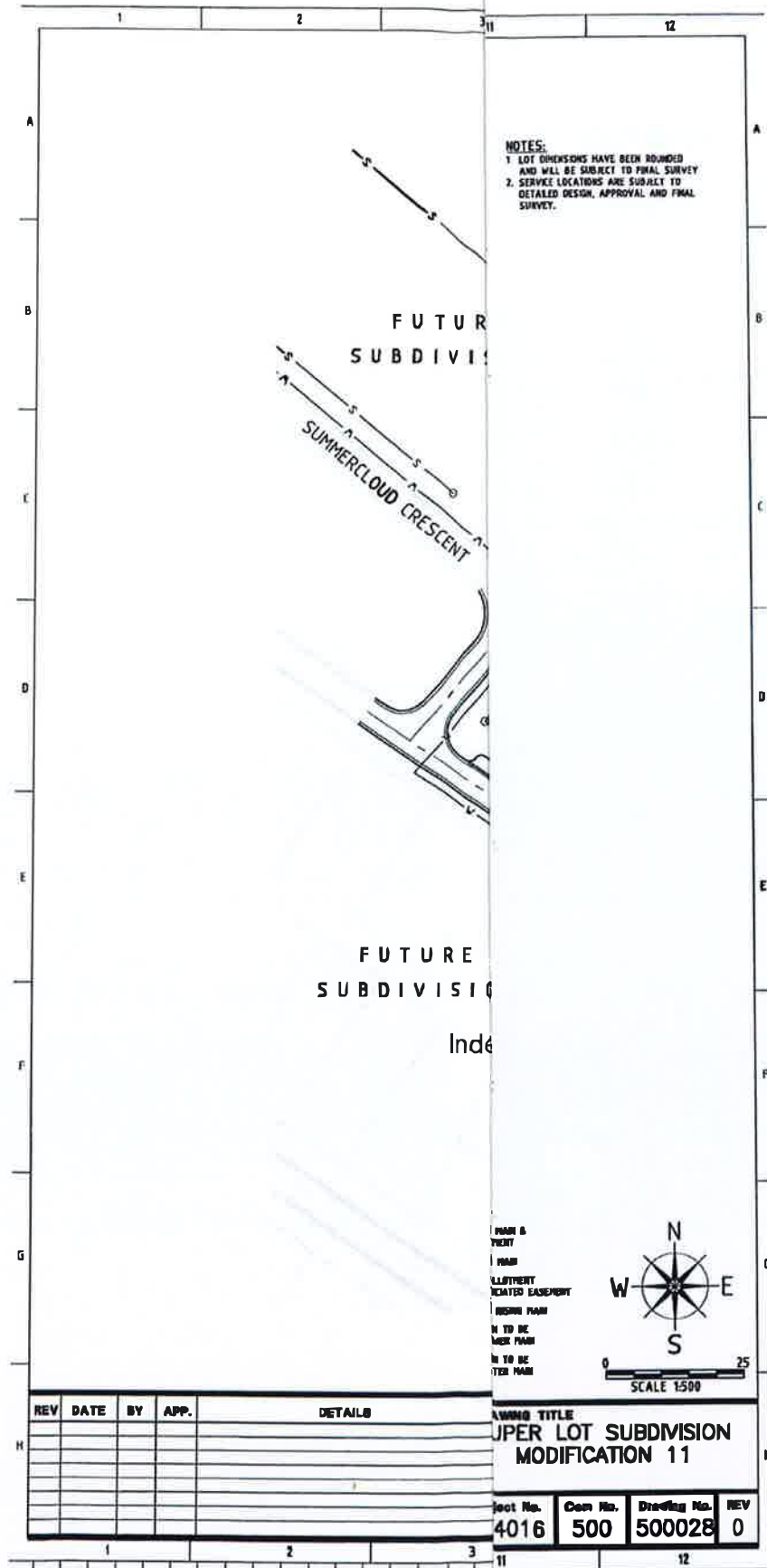
The Department is satisfied that the proposed range of lot sizes is acceptable for the following reasons:

- it is consistent with the approved Concept Plan which included 13 lots of less than 300m² and up to 131 lots of more than 600m² (**Tag 3**);
- it is also consistent with the approved Product Diversity Plan which included several small lots within the area of these four super lots;
- the exempt and complying development provisions of the Vincentia Coastal Village will still enable dwellings to be constructed on lots of this size; and
- the level of housing diversity anticipated with the development of the approved Concept Plan (**Tag 4**) can still be achieved.

5.2. Provision of indented on-street parking bays

In their Statement of Commitments, the proponent has committed to providing "*parking bays within the road reserve of the ridge and connector roads at a rate of one per two dwellings*". This commitment is relevant to this application as Seagrass Ave is a ridge road and the section of Halloran Street fronting lot 574 (proposed lots 575-581) is a connector road.

The amended plan (refer **Fig. 5**) shows as "ghosted" a bank of indented parking bays that have already been constructed along the Halloran Street frontage of lot 575-581; the Seagrass Avenue frontage of Lots 581, 592 and 597; and those proposed along the Halloran Street frontage of Lots 582-586.



In response to Council's objection, the proponent has widened the section of Halloran Street that fronts lot 701 (proposed lots 582-586) to 16 metres and proposes the construction of an additional bank of indented parking bays along this frontage. The proponent contends that these bays will bring to 24 the number of indented parking bays along this section of Halloran Street which contains 41 dwellings, thus satisfying their commitment in this section of the subdivision.

Council contends that the operation of the proposed indented parking bays will be compromised with the eventual need of the residents of the future dwellings on these lots for driveway access to Halloran Street. It has suggested that a Restriction As To User (RATU) be imposed on proposed lots 575-586 inclusive, and 597 to restrict vehicular access to these lots from Halyard Lane and on lot 592 to restrict vehicular access to it from Bow Street, thereby ensuring that these indent bays remain viable and available for their intended purpose. The Proponent has confirmed that while they don't believe the RATU's are required, they are amenable to a condition requiring its imposition to be included in the Instrument of Approval

The Department supports Council's position and their suggestion as it will ensure that the indented parking bays operate as intended. An appropriate condition has been included in the attached Instrument of Approval to this effect (**Condition A20**).

5.3. Increase in the total number of lots in the subdivision

This application proposes to increase the number of lots within this subdivision from the 595 currently approved, to 614 lots (10 more than the 604 originally approved).

Council and the VRRRA have each objected to this increase with Council stating that an increase past the original 604 has not been justified while the VRRRA does not wish the number of lots to exceed that originally approved.

In their response to submissions the Proponent has argued that:

- the resultant yield of 614 lots is only marginally higher than that upon which the original Environmental Assessment was based;
- the subdivision of these four lots retains the approved street network;
- the proposed smaller lots are consistent with the intent of the original approval for smaller lots enabling housing diversity; and
- the additional 10 lots represents an increase of only 1.6% over the approved lot yield, which it considers to be a minor increase and one that is consistent with the Concept Plan and Project Application approvals.

The Department is of the view that the increase in the number of lots is acceptable for the following reasons:

- the number of lots resulting from this modification is a very slight increase over the originally approved 604 lots and is generally consistent with that approved in the original Concept Plan and Project Application; and
- the roads and services within the subdivision are capable of accommodating the demand created by these additional 10 lots.

5.4. Other Issues

The agreed basis for levying s.94 contributions for this subdivision is on the total number of lots contained within the subdivision. The relevant condition in the Project Application approval has been amended to reflect the increase in the number of lots to 614, with the new total contribution being \$2,576,466.80. Council has not raised any objection to this contribution.

Due to an administrative error in the approval of MOD's 9 and 10 condition A12 in MOD 10 is to be renumbered A19.

6. RECOMMENDATION

This application proposes the subdivision of four large residential lots located in the western half of the residential estate into 23 smaller residential lots.

The Department recommends that the application be approved for the following reasons:

- the layout is generally consistent with that approved in the original Project Application;
- the size of the lots is consistent with the range of sizes shown in the Product Diversity Plan approved as part of the original Concept Plan; and
- the imposition of the condition requiring the creation of the RATU will ensure that the indented parking bays are permanently available for their intended use and there will be no conflict with the future driveway crossings serving dwellings on these new lots.

It is recommended that the Deputy Director General, Development Assessment and Systems Performance, under delegation from the Minister for Planning and Infrastructure:

- a. **Consider** the findings and recommendations of this report;
- b. **Approve** the modification, subject to conditions pursuant to s75W of the EP & A Act; and
- c. **Sign** the attached Instrument of Modification (**Tag A**).



Mark Schofield
Team Leader



Michael Woodland
Director
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21/10/2011

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at www.planning.nsw.gov.au

APPENDIX B SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au

APPENDIX D RECOMMENDED MODIFYING INSTRUMENT
