

15 December 2016
Our Ref: N26522
Your Ref: DA 485-12-2002 MOD 1

NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Natasha Harras

Dear Ms Harras

**REQUEST TO MODIFY A DEVELOPMENT APPROVAL UNDER SECTION 75W OF THE EP&A ACT _
DEVELOPMENT APPLICATION 485-12-2002 MOD 1 - MODIFICATION TO RESIDENTIAL SUBDIVISION AT
NADINE STREET, SANCTUARY POINT**

Further to the email from Amy Robertson from NSW Department of Planning and Environment, dated 22 November 2016, please find following a table containing the general points raised in the submissions received – both agency and public submissions and Allen Price and Scarratts response to the submissions.

It is proposed that the subject S75W application be modified from what was proposed upon lodgement and the original approved application under DA485-12-2002. The proposed changes include the following:

- Consolidation of proposed lots 39, 40 and 41 to create a single lot (lot 39); and
- Consolidation of proposed lots 49, 50 and 51 to create a single lot (lot 47).

A revised plan, titled Drawing number 26522-402; Sheet 1-2 of 2; Revision 1; details of On-Site-Detention and a plan detailing trees marked for retention accompanies this letter.

Should you have any queries or wish to discuss the matter further, please do not hesitate to contact me on 4421 6544.

Yours faithfully

ALLEN, PRICE & SCARRATTS



Katherine Buckley

Encl

Comments on Agency & Public Submissions

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Office of Environment & Heritage	<ul style="list-style-type: none"> The modified building footprint is identical to the approved project and, as the approved project assumed the loss of all habitat trees within the developable area, we are satisfied that no additional impact will result subject to existing conditions being complied with. We understand that discussions are ongoing between the applicant, the Department and Shoalhaven City Council to provide compensatory habitat for each habitat tree removed, as required by Condition B4(e). Furthermore, our office previously issued approval for the Yellow-Bellied Glider Relocation Plan in March 2016 as required by Condition B5, and we remain available to provide additional assistance if required. 	<ul style="list-style-type: none"> Allen Price and Scarratts concur with the submission made by OEH.
NSW Rural Fire Service	<ul style="list-style-type: none"> No objection is raised to the removal of condition H3 in recognition that the adjoining land to the south has been recently cleared for residential development. <p>Contrary to the submitted documentation, condition number H2 is not a reflection of the hazard to the south. This condition was applied to</p>	<ul style="list-style-type: none"> Allen Price and Scarratts concur with the submission made by NSW Rural Fire Service.

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	<p>ensure that future dwellings within the subdivision are not subject to hazards from surrounding lots (also within the subdivision). The condition was to ensure that no lots within the subdivision have persistent hazardous vegetation when other lots are seeking to construct dwellings. Notwithstanding, no objection is raised to the removal of condition H2, provided an alternate condition is adopted as part of any modification approval, as outlined below:</p> <p>Prior to the issue of subdivision and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document "Standards for asset protection zones".</p> <p>This letter is in response to the proposed S75W Modification submitted and supersedes our previous approval dated 11 November 2003.</p>	
Shoalhaven City Council	<ul style="list-style-type: none"> • Council is concerned at the removal of the detention basin, given the sensitivity of the nearby St Georges Basin. Prior to any further consideration of the modification application the applicant must provide 	<ul style="list-style-type: none"> • A revised concept engineering plan accompanies this S75W application that includes inter-allotment drainage details. Separate documentation also accompanies this application for on-site detention calculations. The proposed concept engineering ensures the protection of downstream water bodies by way of minimising the impact of stormwater runoff generated by the development.

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	<p>preliminary stormwater plan that includes on-site detention calculations, inter-allotment drainage details and owner's consent for works on adjoining land. This alternative strategy must ensure protection of downstream water bodies.</p> <ul style="list-style-type: none"> • There is insufficient information regarding verge widths, location of services and landscaping; and radii of the knuckles to support the reduction in the road widths. • The increased lot density and reduced lot widths: <ul style="list-style-type: none"> 1. Have not been considered with respect to the potential for overshadowing; 	<p>Council is the owner of the adjoining land (Lot 715 DP1019410), to which the stormwater drainage is proposed. It is respectfully requested that a condition of consent be imposed, requiring owner's consent to be provided prior to the issue of a construction certificate for works in the adjoining land.</p> <p>Allen Price and Scarratts has made an application to Council seeking consent for drainage and sewer works to be completed on adjoining lot (Lot 715 DP1019410).</p> <ul style="list-style-type: none"> • Revised concept engineering plans detail information relating to verge widths, location of services and landscaping and radii of the knuckles. You should note that the road carriageway width remains at 5m, as conditioned in the original development consent. It is proposed to reduce the road verge widths to meet the current requirements of the Shoalhaven Development Control Plan (DCP) 2014. • The residential allotments are proposed to be 15m or greater in width. Residential home builders have numerous single storey designs that can accommodate for a 15m allotment width. Appropriately designed dwellings can alleviate the potential for overshadowing, which can be assessed on its merit at dwelling application stage, or in accordance with State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes 2008).

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	<p>2. Are not suited to the retention of trees;</p> <p>3. The removal of trees identified for retention has not been assessed.</p> <p>• Drainage - Deletion of the detention basin is to be compensated for by way of On-site Detention (OSD). Calculations for OSD demonstrating the effectiveness and application of this strategy have not been provided.</p>	<ul style="list-style-type: none"> • The removal of trees shall take place in accordance with approved development consent no. 485-12-2002. Impacts associated with tree removal were assessed within the original development application and the site has been cleared with the exception of a few habitat trees in accordance with this consent. Council should be very aware that residential development and large trees are generally mutually exclusive. • In accordance with development consent no. 485-12-2002, <i>“all trees identified on the lot survey plan for retention are to be retained for the purposes of habitat, except in the case that they present a real and significant risk to life, limb or property”</i>. <p>In order to preserve native flora and fauna and provide an opportunity for tree retention, it is not proposed to remove trees identified for retention as a component of this S75W. Therefore the removal of trees identified to be retained will not take place, unless an updated vegetation clearance and retention plan is approved by Planning NSW.</p> <p>A plan accompanying this response detailing trees proposed to be retained and the new lot layout, confirms that there is no conflict with trees marked to be retained and proposed future dwelling sites.</p> <ul style="list-style-type: none"> • OSD has been detailed within an attached report demonstrating the effectiveness and application of the strategy for OSD proposed for the site. <p>An email from Ian Dollery from Shoalhaven City Council to Allen Price and Scarratts, dated 18 August 2016, states Council’s position of no objection to replacing the detention basin on the</p>

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	<p>Proposed drainage to adjoining Lot 715 DP 1019410 requires works to be carried within Council lands, as such, land owner's consent is required for this application.</p> <p>Inter-allotment drainage is required to drainage Lots 1 – 10, 50 and possibly Lot 49. No information has been provided as to how these lots will be connected to the proposed drainage reserve.</p> <ul style="list-style-type: none"> • Inter-allotment Drainage - As mentioned above in (f) roof area and hard stand areas should be restricted to reduce stormwater issues. Inter-allotment Drainage should be considered for the above properties. <p>Any inter-allotment drainage should also have an 88b restriction outlining who is responsible for maintenance of the drainage line.</p> <p>All junctions should be drawn on the</p>	<p>approved plans with OSD in the form of oversized stormwater tanks on each lot.</p> <ul style="list-style-type: none"> • As previously stated, Council is the owner of the adjoining land (Lot 715 DP1019410), to which the stormwater drainage is proposed. It is respectfully requested that a condition of consent be imposed, requiring owner's consent to be provided prior to the issue of a Construction Certificate for works in the subject land. <p>Allen Price and Scarratts has made an application to Council seeking consent for drainage and sewer works to be completed on adjoining lot (Lot 715 DP1019410).</p> <ul style="list-style-type: none"> • The most recent proposed alteration to the lot layouts has resolved the Inter-allotment drainage issues. Please see the revised concept engineering plan. • Proposed inter-allotment drainage is designed in accordance with the requirements of the DCP. Roof and hard-stand areas shall be determined by Council in accordance with the applicable planning legislation upon future Development Applications for dwellings. • It is acknowledged that inter-allotment drainage shall have an 88b restriction outlining who is responsible for maintenance of the drainage line. • The location of junctions shall be readily available and detailed on

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	<p>88B plans and or readily available for the plumbers during construction (maybe required to be on the approved plans). An 88b should include a requirement to restrict plumbers from cutting in their own connection point or provide instruction of how the connection point/s are to be constructed.</p> <ul style="list-style-type: none"> • Roads and Access - Road widths have been reduced from 18 to 16m and a through road created from Nadine St (18m wide) to Tahnee St (18m wide). Reduced road widths constrain opportunity for on street parking and landscaping. Increasing lot numbers and reducing the size of lots increases demand for on street parking. <p>The 'knuckles' must accommodate garbage trucks and emergency service appliances.</p> <p>Supporting details such as, verge widths, pavement widths, radii of 'knuckles' and cross sections showing</p>	<p>the work as executed plans. An 88B Instrument relates to easements and restrictions – it is not a construction or WAE plan. The location of junctions are never shown on 88B Instruments in the Shoalhaven area.</p> <ul style="list-style-type: none"> • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven Development Control Plan (DCP) 2014. The road carriageway width remains unchanged at 5m, as conditioned within the original development consent. Given that parking of motor vehicles is not permitted within the road verge, the proposed change to the verge width does not reduce available on-street parking. <p>Sufficient parking can be provided within each allotment and assessed at dwelling application stage in accordance with the relevant legislation. Complying Development may be an option as the proposed residential lots are suitable in size and shape to accommodate Complying Development.</p> <ul style="list-style-type: none"> • Knuckles have been amended to accommodate for a garbage truck and emergency services vehicles. It should be noted that given the road is now a through road, vehicles are not required to turn around in the knuckles, which improves the flow of traffic within the locality. • Revised concept engineering plans detail information regarding verge widths, location of services and landscaping and radii of the knuckles.

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	<p>location of serves and landscaping have not been provided.</p> <ul style="list-style-type: none"> • Consideration should be provided to additional onsite parking as the smaller streets have the ability to create congestion. • Vegetation Removal - A vegetation retention plan has been approved and is being carried out under Council Construction Certificate CC16/1533. The vegetation retention plan identifies trees within the currently approved lots. The density of the proposal has increased from 39 lots to 51 lots, i.e. 23.5% increase in lots. In addition, the average lot size of the approved development is 723m² without access handles. The average lot size in the proposed modification is 642m² (without access handles) with 82% of the lots having a reduced lot width of 15m. <p>The size and width of lots in the proposed modification provides very limited opportunity to retain any of the trees identified for retention in the vegetation retention plan. Furthermore, Council does not support deferring the cost of development, that is, tree</p>	<p>Response to Submission</p> <ul style="list-style-type: none"> • The proposed allotments are a minimum of 20% in excess of the minimum lot size of 500m². Numerous home builders with suitable single storey two-garage designs are available to fit on rectangular lots with 15m lot widths. Appropriately designed dwellings with ample car-parking can be adequately through the Development Application or Complying Development stage. • As previously stated, In accordance with development consent no. 485-12-2002, <i>“all trees identified on the lot survey plan for retention are to be retained for the purposes of habitat, except in the case that they present a real and significant risk to life, limb or property”</i>. <p>In order to preserve native flora and fauna and provide an opportunity for tree retention, it is not proposed to remove trees identified for retention as a component of this S75W. Therefore the removal of trees identified to be retained will not take place, unless an updated vegetation clearance and retention plan is approved by Planning NSW.</p> <p>A plan accompanying this response detailing trees proposed to be retained and the new lot layout, confirms that there is no conflict with trees marked to be retained and proposed future dwelling sites.</p> <ul style="list-style-type: none"> • A more recent Vegetation Clearance and Retention Plan has been approved by Chris Ritchie from Planning NSW, as confirmed in an email dated 2 September 2016.

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	<p>removal, to the future land owner. The current approval and the associated vegetation retention plan relied upon the 'Flora and Fauna Assessment' dated October 2002 by Gunninah Environmental Consultants. Given the significant lapse in time since the initial assessment, i.e. 14 years, removal of vegetation identified in the vegetation retention plan should be subject to a further assessment of significance.</p> <ul style="list-style-type: none"> • Contributions – Council has detailed the estimated contribution fees associated with the development for the 2016/2017 financial year. • Shoalhaven Water – Shoalhaven Water has detailed requirements relating to the proposed development. • Overshadowing - The properties orientated east west (lots 39 - 51) will need to be provided with setbacks from the southern boundaries to reduce the impact of overshadowing for two storey development. • And Or the following 88B restriction may need to be considered: <ul style="list-style-type: none"> a) The average building setback for the residential section of the building shall not be less than 	<ul style="list-style-type: none"> • It is acknowledged that the payment of applicable contributions is required at the appropriate stage. • It is acknowledged that compliance with the requirements of Shoalhaven Water is required for the proposed development. • Potential overshadowing can be addressed at dwelling application stage in accordance with the provisions of the Shoalhaven Local Environmental Plan (LEP) or the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes 2008). <p>The listed restrictions proposed to be imposed on the 88B Instrument can be determined at dwelling application stage in accordance with the provisions of the Shoalhaven Local Environmental Plan (LEP) or the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes 2008).</p>

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	<p>2.5 metres from the northerly side boundary or as determined by Shoalhaven City Council.</p> <p>b) No building shall exceed one storey in height.</p> <p>With any building application for a residential building in respect of the lot burdened, the applicant shall supply to Council, information to demonstrate consideration or compliance with the following:</p> <p>a) Visual intrusion (height and length of walls) relative to the adjacent residential development.</p> <p>b) The quantum of private open space (minimum of 80 square metres and not less than 4 metres wide).</p> <p>c) Vehicle parking (minimum of two, which may be in tandem, one of which may be a garage (not a carport).</p> <p>d) The roof pitch of the dwelling and other main buildings (minimum 25 degrees).</p> <p>e) The total roof area of all buildings shall not exceed 50% of the allotment area.</p>	
<p>Marie and Kevin Lightowlers 115 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“Increasing the number of homes will create problems with water runoff if retention basin is reduced. We have experienced flooding at the rear of our place and in our</i> 	<ul style="list-style-type: none"> • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows for the corresponding storm event. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or

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	<p><i>backyard, a number of times through normal rainfall. The back is always wet.</i></p> <ul style="list-style-type: none"> • <i>The removal of trees. What happens to all wildlife? The kangaroos are having problems now getting out because of fencing.</i> • <i>Narrow roads will cause havoc cars have to avoid hitting one another or by moving onto the nature strip of housing causing damage.</i> • <i>Smaller blocks could lead to double storey houses which means little privacy in your backyard”.</i> 	<p>surrounding the site.</p> <ul style="list-style-type: none"> • The direction of flow from the subject site is in a northerly direction. 115 The Park Drive, Sanctuary Point is located to the east and therefore stormwater runoff is not likely to affect the aforementioned property. • Tree removal is not proposed as a component of this S75W application. Tree removal has taken place in accordance with the approved vegetation plan under development consent no. 485-12-2002. As such, it is therefore unlikely that the proposed modification is likely to adversely impact on native flora and fauna. • There are no proposed changes to the road carriageway width from the original consent, which was in accordance with Council’s DCP at the time the consent was issued. There is a proposed reduction in the road reserve and road verge width, which is also in accordance with the provisions of the DCP that was in place at the time the consent was issued (DCP100 – Access Place allowed 5m carriageway in a16m road reserve) which was suitable for up to 500 vehicle movements per day (ie 50 lots). The current proposal has a total of 47 lots distributed over 2 streets so we are well below the threshold for a 16m wide road. Given that road traffic is not permitted to park or travel within the verge, a reduction to the road reserve/verge has no bearing on the ability for traffic to pass within the street. • Proposed allotments within the site are a minimum of 20% in excess of the DCP minimum lot size requirement of 500m². Numerous home builders with suitable single storey two-garage designs are available to fit on the proposed allotments. <p>Appropriately designed dwellings can alleviate the potential for overshadowing and can be determined at dwelling application</p>

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		<p>stage, in accordance with the provisions of the Shoalhaven Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes 2008).</p>
<p>Paul Freeman 117 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“The increase in traffic in the area.</i> • <i>The added run-off in an already delicate environment which has seen major flooding only in the last 18 months.</i> • <i>The decrease in the size of the carriageways from 7 to 5 metres means that emergency vehicles will have even more difficulty manoeuvring in this subdivision than they do in areas with the wider 7 metre carriageway.</i> • <i>That the developers are relying on one section of the DCP to remove the Drainage</i> 	<ul style="list-style-type: none"> • It is acknowledged that the increase in the number of allotments will lead to a marginal increase in traffic volumes on the local streets. RMS Traffic Generating Development Guidelines indicate that a dwelling house generates approximately 9 daily vehicle movements in regard to additional residential development. This is within the capacity of the existing road network. • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site. • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven DCP. The road carriageway width remains unchanged at 5m. Given that proposed roads are no longer cul-de-sacs, there is no requirement for emergency services to turn around within the street, leading to an improved road outcome. • It is not proposed that drainage will be removed as a component of this S75W application. If this comment relates to the detention basin, there is no change to the proposed run-off rates from the

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	<ul style="list-style-type: none"> • <i>Detention Basin in the original approved subdivision but do not want to rely on other sections concerning block size. It appears they want to have their cake and to eat it too.</i> • <i>In a rural coastal village, it is not necessary to decrease lot size to slow Urban Sprawl”.</i> 	<p>development. The current approval and the proposal both have detention – it is just provided in a different fashion and will have an equivalent outcome on downstream peak flow rates.</p> <ul style="list-style-type: none"> • An adequately designed drainage system is proposed, which is consistent with the requirements of the DCP. • The proposed development is consistent with the requirements of the LEP and DCP. Given that the development remains within the same footprint to that of the original approval, it is not considered likely to contribute to urban sprawl.
<p>John and Robyn Cosgrove 119 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“My wife and I have been residing at 119 The Park Drive for almost 12 years and knowing that the land behind our backyard was always going to be built on. On original plan approved by Shoalhaven Council it was totally accepted by most local residents. But recent correspondence from State Gov. Planning and Environment to suggest changes to that original plan by increasing the number of lots from 39 to 51 and alterations to road from 18 meters to 16 meters. This leaves us with grave concerns.</i> 	<ul style="list-style-type: none"> • The proposed S75W development proposal remains within the same footprint as what was approved under development consent no 485-12-2002. An additional 8 allotments are proposed, however, due to the development being within the same development footprint, the additional allotments are not considered likely to place additional strain on the existing capacity of the road network. • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven DCP. The road carriageway width remains unchanged at 5m as conditioned within the original development consent.

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	<ul style="list-style-type: none"> • <i>Water Retention. Removing or altering of the retention basin will worsen the current problem with normal rainfall. Most of the ground is clay based and runoff occurs causing minor flood, the back of our place is always very wet after only light showers. With increased housing this will intensify the problem.</i> • <i>Road Width (18 meters to 16 meters) Local residents here are already having problems with narrow roads (Voss Drive Maxwell and Copeland Cres.) no traditional kerb and guttering. By passing traffic have to move over onto the nature strip. Children are playing on nature strip (OH&S concern). More houses means more cars (2 car families these days and more) more pollution (An environment issue).</i> • <i>Removal of trees and undergrowth mean the wildlife have no habitat, there are as many as 15 different types of birdlife in the section plus kangaroo's possums and snakes. What happens to them.</i> • <i>Land clearing. Extra dust and dirt</i> 	<ul style="list-style-type: none"> • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site. • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven Development Control Plan (DCP) 2014. The road carriageway width remains unchanged at 5m, as conditioned within the original consent. Therefore there will be no additional traffic related issues created as a result of road carriageway reduction. • Proposed residential allotment sizes exceed the minimum lot size requirement and therefore make provision for children to play off the street in yards. • No trees are proposed to be removed as a component of this S7W application. • The proposed s75W modification will have no impact on dust

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	<p><i>entering our homes while this development is under construction this also includes laundry days, washing on clothes lines.</i></p> <ul style="list-style-type: none"> <i>Most of the local residents who live here moved away from the suburban sprawl (Sydney) to a more relaxed environment ,so as to enjoy our retirement in a semi rural sanctuary, it now appears that the larger development is following us down here and the developer increasing the number of housing to make more money”.</i> 	<p>generation on the site. This is purely a site management issue.</p> <ul style="list-style-type: none"> The proposed development is generally consistent with the requirements of the LEP and DCP. Given that the development remains within the same development footprint to that of the original approval, it is considered unlikely to contribute to urban sprawl.
<p>Robert and Dian Doust 26 Maxwell Crescent Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> <i>“DRAINAGE; Our property which backs onto this proposed development gets flooded every time we have heavy rain. We would like to know what is going to be done to prevent this from happening when all this building is finished? What preventative measures are to be taken? The more roof tops in the area the more the drainage has to cope with.</i> <p><i>Are we expected to cop this, as well as the increased heat in our homes from the lack of trees which gave us shade. When developers move into the area they completely</i></p>	<ul style="list-style-type: none"> Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site. No trees are proposed to be removed as a component of this S7W application. Tree’s identified to be retained under the original consent presents an opportunity to protect native flora and fauna.

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	<p><i>denude the area of all trees and the wildlife which lives there, some of which have been caught trying to escape from the compounds which they erect.. (overnight and with as much stealth as they can muster).</i></p> <ul style="list-style-type: none"> • <i>ROAD LAYOUT; The roads around these new developments are far too narrow. Any times we are caught in a queue when there is a large vehicle (garbage truck) – very much like a slalom event because nobody can pass, unless they drive up onto another persons property. When we bought our land the graded road was double the width to what it is now and straight. However, when we came to view our new home, the road was curved and vastly narrowed. This is not a good environment for our kids to grow up in.</i> • <i>THIS IS NOT SYDNEY NOR ITS SUBURBS – we left that behind for this wonderful rural and coast lifestyle, which we though was safe. All this was uppermost in our mind along with the safety aspect.</i> <p><i>The roads as currently proposed in this development are even more narrow. This style of road is totally</i></p>	<ul style="list-style-type: none"> • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the DCP. The road carriageway width remains unchanged at 5m, as conditioned within the original development consent. Therefore, there will be no additional traffic related issues created as a result of road carriageway reduction. • The proposed development is generally consistent with the requirements of the LEP and DCP. Given that the development remains within the same footprint to that of the original approval, it is not considered likely to adversely impact on the amenity of the locality. • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the DCP. The road carriageway width remains unchanged at 5m, as conditioned within

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	<p><i>unsafe for us as pedestrians, mothers with prams not to mention kids playing. We have no footpaths and are probably not going to get any. Your thoughts on this would be appreciated....</i></p> <ul style="list-style-type: none"> <i>We all moved here for the good, clean, clear air and the natural environment with all its wildlife and birds. This is now being taken by greedy developers and even greedier investors. (Didn't anyone mention that there is very little work down here).</i> <p><i>We are not happy with any of this being done to our village. We already have more crime and traffic congestion than the area can handle, not to mention the loss of our wildlife”.</i></p>	<p>the original development consent. Therefore, there will be no additional traffic related issues created as a result of road carriageway reduction.</p> <ul style="list-style-type: none"> The proposed development is generally consistent with the requirements of the LEP and DCP. Given that the development remains within the same footprint to that of the original approval, it is not considered likely to significantly contribute to the pollution of air within the surrounding locality. <p>The construction of the proposed development will provide economic benefit to community, through the provision of employment opportunities.</p> <p>It is considered unlikely that an additional 8 residential allotments will adversely alter crime statistics within the surrounding locality.</p>
<p>J and V Blandin de Chalain 25 Maxwell Crescent Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> <i>“We wish to strongly object to the request for Modification changes for the following reasons:</i> <i>An increase from 39 to 51 residential lots is an overdevelopment of the site.</i> 	<ul style="list-style-type: none"> It is proposed to create 47 residential allotments, an increase of 8 lots from that of the original approved development. The proposed modifications are not considered to be overdevelopment of the site, as the lots are consistent with the LEP minimum lot size requirements of 500m². Furthermore, the proposed development is generally consistent with the LEP and DCP requirements.

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	<ul style="list-style-type: none"> • <i>The reduction in road measurements is far too narrow to allow for two way traffic.</i> • <i>This is a tree studded allotment of land – with many native birds & animals including kangaroos that will suddenly have their natural habitat totally destroyed in one major blow.</i> • <i>adjacent to this development and we also have very narrow streets with no footpaths in our area either. Without having any footpaths - all our local residents find that it is quite dangerous to try and walk for exercise, walk the dog, have children ride their bicycles, mothers pushing prams etc. There is barely enough room for 2 cars to pass each other let alone go around a person who also has to use the road. We do NOT want to see a repetition of this in the next development of the above site.</i> • <i>Drainage issues are also a problem for this area – with backyards often left underwater by heavy rainfall. Strong odours are often smelt</i> 	<ul style="list-style-type: none"> • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the SDCP. The road carriageway width remains unchanged at 5m which complies with Council's DCP at the time it was approved. • No trees are proposed to be removed as a component of this S75W application. Retaining trees identified to be preserved under the original consent presents an opportunity to protect native flora and fauna. • Footpaths/walkways are proposed to be implemented in accordance with condition B2(l) of the development consent. • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site.

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	<p><i>coming from drainage pipes.</i></p> <ul style="list-style-type: none"> • <i>We believe the original approval should not be altered as this change to the number of allotments is primarily for the financial gain of the developer and is not in any way at all of benefit to the local residents in this community.</i> • <i>Most of us who left Sydney chose to live in a regional community that has adequate space for backyards, footpaths for safety, and a natural environment that has not had all its trees/vegetation decimated! The very least that could be done before the bulldozers continue to wreak havoc is to keep a canopy of trees as a native corridor along the back of the development towards Maxwell Crescent and Park Drive. The detention basin should also remain.</i> • <i>If the developer gains approval, (we sincerely hope not) for the increased sale of land lots, will it be a condition that he must provide footpaths or is this something that the Shoalhaven City Council will need to provide from the increased rate revenue? Safety of local residents should be of vital concern</i> 	<ul style="list-style-type: none"> • It is proposed that the site will be developed to provide suitable residential accommodation, which will benefit the local residents of the community looking for housing that complies with State and local requirements. • No trees are proposed to be removed as a component of this S7W application. Retaining trees identified to be preserved under the original consent presents an opportunity to protect native flora and fauna. <p>The proposed allotments are in accordance with the LEP minimum lot size requirement of 500m².</p> <p>The proposed drainage system is designed in accordance with the DCP requirements.</p> <ul style="list-style-type: none"> • Footpaths/walkways are proposed to be implemented in accordance with condition B2(l) of the development consent.

Agency	Detail of Issue	Response to Submission
	<p><i>to any changes made from this original approval.</i></p> <ul style="list-style-type: none"> • <i>We would also like to know where the developers have made provision for open space/children’s playground in this new proposal. We do not agree with the statement “ The proposed changes to the allotment sizes will create slightly narrower allotments that are more suitable to modern project dwelling design, which also satisfies market demand and makes more efficient use of the land”. Market demand is also for the many families in the area – they need outside space for their children to play, & for having pets.</i> • <i>Efficient use of the land should not be reflected in greater profits to the developer at the expense of adequate space and enjoyment of residents who choose to live in a local natural regional environment. This is not a city. It is a country NSW town – we want space NOT overcrowded subdivisions.</i> • <i>It is so sad to see the destruction of the flora/fauna of this once peaceful area – the bulldozers have seen to that. Please do not let</i> 	<ul style="list-style-type: none"> • The development has been designed generally in accordance with the applicable legislation and Council’s policies. There is no Council or legislative requirement for open space applicable to this site. • The proposed development is generally in accordance with the provisions of the LEP and DCP. It is not considered likely that an additional 8 dwellings will adversely impact on the amenity of the surrounding locality. • No trees are proposed to be removed as a component of this S7W application. Retaining trees identified to be preserved under the original consent presents an opportunity to protect native flora and fauna.

Agency	Detail of Issue	Response to Submission
	<p><i>any further activity on this site cause even more havoc to the lives of local residents and native animals/birds”.</i></p>	
<p>Irene and Robert Orchard 24 Maxwell Crescent Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“I strongly object to the proposed increase from 39 blocks to 51 blocks on the following grounds.</i> • <i>The amendment is seeking to delete the stormwater detention basin completely.</i> • <i>Having lived through several major rain events backing onto the above site I can assure you getting rid of this detention basin will cause major flooding of existing and proposed blocks. We have experienced flooding of our property from runoff already, the soil in this area is very dense clay therefore doesn't allow for soaking in of heavy rainfall.</i> 	<ul style="list-style-type: none"> • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site. <p>A more suitable drainage system is proposed to that of the original proposed system, which is consistent with the requirements of the DCP.</p>

Agency	Detail of Issue	Response to Submission
	<ul style="list-style-type: none"> • <i>The proposed streets are too narrow and there are no footpaths to provide safe walking conditions especially during wet weather other than to walk on the road. Is it going to take a child or adult to be hit by a car to have these narrow roads banned? I live on one so I know from experience how dangerous they are when two cars passing have to drive up on the gutter and grass to pass each other. Also who is liable to repair the gutters when they are broken due to cars and trucks constantly driving over them?</i> • <i>Making the block sizes smaller is only promoting denser housing which is totally out of character for the local area. This is a semi sleepy coastal suburb NOT the Sydney basin where high-rise, high density housing is required due to the population. People that have moved here did so for the sole purpose of getting away from that”.</i> 	<ul style="list-style-type: none"> • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven Development Control Plan (DCP) 2014. The road carriageway width remains unchanged at 5m and therefore, it is unlikely that there will be additional traffic related issues created as a result of road carriageway reduction. <p>Footpaths/walkways are proposed to be implemented in accordance with condition B2(l) of the development consent.</p> <ul style="list-style-type: none"> • Proposed allotments are a minimum of 20% in excess of the DCP minimum lot size requirement of 500m². Numerous home builders with suitable single storey two-garage designs are available to fit the subject lots. <p>Appropriately designed dwellings can alleviate the potential for overshadowing and can be determined at dwelling application stage, in accordance with the provisions of the SEPP Exempt and Complying Development Codes 2008, SLEP or SDCP.</p>
<p>Paul and Lorraine Trew 129 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“There are a number of reasons we disagree with the above amendment, the most significant is the water run-off. Our property is at</i> 	<ul style="list-style-type: none"> • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely

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	<p><i>the bottom of the hill and therefore most of the run off ends in our property. We looked into this when we purchased the land and were assured that this area would not be developed because of the water issue”.</i></p>	<p>impact on property within or surrounding the site.</p> <p>A more suitable drainage system is proposed to that of the original proposed system, which is consistent with the requirements of the DCP.</p>
<p>Paul Freeman 117 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“The increase in traffic in the area.</i> • <i>The added run-off in an already delicate environment which has seen major flooding only in the last 18 months.</i> • <i>The decrease in the size of the carriageways from 7 to 5 metres means that emergency vehicles will have even more difficulty manoeuvring in this subdivision than they do in areas with the wider 7 metre carriageway that the developers are relying on one section of the DCP to remove the Drainage.</i> • <i>Detention Basin in the original approved subdivision but do not want to rely on other sections concerning block size. It appears</i> 	<ul style="list-style-type: none"> • Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site. • It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven Development Control Plan (DCP) 2014. The road carriageway width remains unchanged at 5m and therefore, it will be unlikely that there will be additional traffic related issues created as a result of road carriageway reduction. • The proposed drainage system design is in accordance with the requirements of the DCP.

Agency	Detail of Issue	Response to Submission
	<p><i>they want to have their cake and to eat it too.</i></p> <ul style="list-style-type: none"> <i>In a rural coastal village it is not necessary to decrease lot size to slow Urban Sprawl”.</i> 	<ul style="list-style-type: none"> Proposed allotments are a minimum of 20% in excess of the DCP minimum lot size requirement of 500m².
<p>Mark Jefferson 107 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> <i>“dear sir i am an concerned resident of the park drive.i have lived here more than 30 years and i know the water problems of the said development.during heavy rain a fast flowing stream flows past my back yard on its way to the bottom of the hill where the catchment is .there has to be a better water plan than the present option it will not cope in heavy rains .this water will either go threw the new back yards or mine .once its done it will be to late to fix the problem or later cost more”.</i> 	<ul style="list-style-type: none"> Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site.
<p>Catherine Jefferson 107 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> <i>“Dear sir i am writing to you as a concerned resident. I have lived here 30 years plus and know the water problem that we have on the park drive in heavy rain behind my block water runs as a fast flowing stream the other side of my fence and thew my garden. Also this will just get worse with no trees and no vegetation and the present plan seems very inadequit for this amount of water .hoping something</i> 	<ul style="list-style-type: none"> Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site. <p>Proposed drainage system design is in accordance with the requirements of the DCP.</p>

Agency	Detail of Issue	Response to Submission
	<p><i>can be done before it is to late for myself and new residents .a better water plan is needed".</i></p>	
<p>Robert Asplin 111 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>"I believe that the increased density of the development would be detrimental to the area.</i> • <i>The reduction in area of individual housing lots would, in many cases encourage the construction of two-storey dwellings, with a consequent reduction of privacy for existing residents. At present, two-story dwellings are rare in surrounding streets.</i> • <i>Is the housing density higher than normal for a residential housing development of a comparable size in this area?</i> • <i>It would also lead to an increased traffic flow due to increased residency. There is every likelihood that 51 homes would mean 102 motor vehicles - two motor vehicles for each dwelling, this being the norm in today's lifestyle, and certainly in a location some 15Km distance from a major retail/business centre.</i> 	<ul style="list-style-type: none"> • Proposed dwelling density is designed in accordance with the legislative requirements of the LEP and DCP. • Proposed allotments are a minimum of 20% in excess of the DCP minimum lot size requirement of 500m². • It is proposed to create 47 residential allotments, an increase of 8 lots from the original approved development. The proposed modifications are not considered to be overdevelopment of the site, as the lots are consistent with the LEP minimum lot size requirements of 500m² and the proposed development is generally consistent with the LEP and DCP requirements. • RMS Traffic Generating Development Guidelines indicate that a dwelling house generates approximately 9 daily vehicle movements in regard to additional residential development. This is within the capacity of the existing road network.

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	<ul style="list-style-type: none"> • <i>In my opinion, and in that of many other residents who will be adversely affected by the increased density of this development, a strict adherence to regulations should not be the only criteria on which to base a development approval. The quality of life should surely be an equally important consideration. In a day when the environment and people's health are reportedly important, how can such a development be good not only for those people already resident in the area, but those newcomers wishing to enjoy the lifestyle on offer in the Shoalhaven.</i> • <i>I do not argue that the land, being privately-owned, should not be developed, but that a limit should be mandated on the density of the housing to be built. I think the original application, for 39 homes, is sufficient, 51 is too many”.</i> 	<ul style="list-style-type: none"> • The development proposal is designed in accordance with the legislative requirements of the LEP and DCP. • It is proposed to create 47 residential allotments, an increase of 8 lots from that of the original approved development. The proposed modifications are not considered to be overdevelopment of the site, as the lots are consistent with the LEP minimum lot size requirements of 500m² and the proposed development is generally consistent with the LEP and DCP requirements.
<p>Jennifer Asplin 111 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> • <i>“I am concerned that the density of the development will now be far too much for the site.</i> 	<ul style="list-style-type: none"> • It is proposed to create 47 residential allotments, an increase of 8 lots from that of the original approved development. The proposed modifications are not considered to be overdevelopment of the site, as the lots are consistent with the LEP minimum lot size requirements of 500m² and the proposed development is generally consistent with the LEP and DCP requirements.

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	<ul style="list-style-type: none"> <li data-bbox="645 268 1155 703">• <i>The reduction in the street frontages is not in keeping with the rest of the developed area. I am concerned that to maximize the block, future owners will build double storey dwellings, these are also quite rare in the rest of the area, this would impact on my home in particular, as it appears that the block behind me will be only 14 metres wide. I will not be happy with a double storey home built right up to my fence.</i> <li data-bbox="645 746 1155 1046">• <i>The estate already has issues with traffic, streets are narrow, curbs that 'allow' you to drive onto them when passing another vehicle are less than perfect, speed humps have been installed, a 40km speed limit is in place in parts of the development, and this amendment will only add to the problem.</i> <li data-bbox="645 1090 1155 1353">• <i>There are several trees acknowledged as being over 100 years old within sight of my home, is it at least possible that the blocks with these trees be isolated from sale, sparing at least some trees for the birds, possums etc that live here.</i> 	<ul style="list-style-type: none"> <li data-bbox="1189 268 2085 536">• Proposed allotments within the site are a minimum of 20% in excess of the DCP minimum lot size requirement of 500m². Numerous home builders with suitable single storey two-garage designs are available to fit on the proposed allotments. Appropriately designed dwellings can alleviate the potential for overshadowing, which can be determined in accordance with the provisions of SEPP (Exempt and Complying Development Codes 2008), SLEP or SDCP. <li data-bbox="1189 746 2085 978">• It is proposed to reduce the width of the road reserve from 18m to 16m, which complies with the requirements of the Shoalhaven Development Control Plan (DCP) 2014. The road carriageway width remains unchanged at 5m, as conditioned within the original development consent. Therefore, it will be unlikely that there will be additional traffic related issues created as a result of road carriageway reduction. <li data-bbox="1189 1090 2085 1217">• In order to preserve native flora and fauna and provide an opportunity for tree retention, it is not proposed to remove trees identified for retention as a component of this S75W. Therefore, every opportunity will be provided for tree retention. <li data-bbox="1189 1260 2085 1386">• Impacts associated with tree removal were assessed within the original development application no. 485-12-2002 and the site has been cleared with the exception of a few habitat trees in accordance with this consent.

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	<ul style="list-style-type: none"> <i>I would also like to know if the density of development, should the 51 be approved, is greater than the density in the rest of the area, and if so, surely that could be reason enough to insist the developer be told he must be satisfied with the original development approval”.</i> 	<p>A plan accompanying this response detailing trees proposed to be retained and the new lot layout, confirms that there is no conflict with trees marked to be retained and proposed future dwelling sites.</p> <ul style="list-style-type: none"> The proposed modifications are not considered to be overdevelopment of the site, as the lots are consistent with the LEP minimum lot size requirements of 500m² and the proposed development is generally consistent with the LEP and DCP requirements.
<p>Mr James Alan Shumack 121 The Park Drive Sanctuary Point NSW 2540</p>	<ul style="list-style-type: none"> <i>“As a circumstance of the late receipt of your letter dated 25th Oct., 16, which I did not receive until the 9th Nov., 16. I would like to make personal submission to the department outlining some of my concerns and those of neighbours in the surrounding area. Concerns encompassed in the proposed modification request for the subdivision at Nadine Street, Sanctuary Point.</i> <i>Of concern to all property owners would be the measures undertaken to control the normal and also extraordinary rainfall's run off from the property, if the originally applied for and approved drainage</i> 	<ul style="list-style-type: none"> The S75W application was notified and renotified by Planning NSW, to ensure adequate opportunity for residents and impacted persons to make a submission. Drainage for the site has been designed so that peak flows in all storms up to the 1 in 100 year event, will be less than the impact of the pre-development peak flows. Therefore, stormwater runoff generated by the development is not considered likely to adversely impact on property within or surrounding the site.

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	<p><i>allotment was to be removed to allow for more allotment's.</i></p> <ul style="list-style-type: none"> • <i>There is already a prominent water drainage problem particularly at the rear of all the adjacent properties along The Park Drive. If adequate measures can and or are to be taken the problem would not be exacerbated.</i> • <i>If measures to remediate the water drainage, particularly down the existing sewerage line easement adjacent to our rear boundaries are not taken I would not be in favour of any change to the current approval, particularly the deletion of the detention basin for storm water”.</i> 	<ul style="list-style-type: none"> • Existing issues associated with downstream drainage systems is not part of this application. Proposed drainage for this site has been adequately designed by an engineer to reduce the likelihood of impact as a result of the proposal.
<p>Shelley Hancock PO Box 1436 Nowra NSW 2541</p>	<ul style="list-style-type: none"> • Residents have raised the following concerns to Shelley Handcock: • <i>“Increasing the number of homes will create problems with water runoff if retention basin is reduced. We have experienced flooding at the rear of our place and in our backyard a number of times through normal rainfall. The back is always wet.</i> • <i>The removal of trees. What</i> 	<ul style="list-style-type: none"> • The submissions raised within the Submission by Shelley Hancock have been addressed within this response. Ms Hancock’s letter raises many similar points made by the same respondents above.

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	<p><i>happens to all wildlife? The kangaroos are having problems now getting out because of fencing.</i></p> <ul style="list-style-type: none"> • <i>Narrow roads will cause havoc cars have to avoid hitting one another or by moving onto the nature strip of housing causing damage.</i> • <i>Smaller blocks could lead to double storey houses which means little privacy in your backyard.</i> • <i>There are a number of reasons we disagree with the above amendment, the most significant is the water runoff. Our property is at the bottom of the hill and therefore most of the runoff ends in our property. We looked into this when we purchased the land and we were assured that this area would not be developed due to the water issue.</i> • <i>We moved to Sanctuary Point 28 years ago because of the lifestyle and wildlife, both of which will be impacted by this development.”</i> 	