

Address all correspondence to

The General Manager, PO Box 42, Nowra NSW 2541 Australia
DX5323 Nowra Fax 02 4422 1816

COUNCIL REFERENCE: SF9367
CONTACT PERSON: Alison Dalyell
YOUR REFERENCE: DA 485-12-2002 MOD 1

21 November 2016

Department of Planning & Environment
Planning Services
GPO Box 39
Sydney 2001

Attention: Natasha Harras

Dear Madam

**Modification of Residential Subdivision
Lot 5 DP 788159, The Park Drive, Sanctuary Point**

Please find below Council's detailed submission to the proposed s. 75W modification to approved residential subdivision DA 485-12-2002.

The following general comments are made with respect to the significant modifications proposed:

- 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 preliminary stormwater plan that includes on-site detention calculations, inter-allotment drainage details and owners consent for works on adjoining land. This alternative strategy must ensure protection of downstream waterbodies.
- 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:
 - Have not been considered with respect to the potential for overshadowing;
 - Are not suited to the retention of trees;
 - The removal of trees identified for retention has not be assessed.

If you have any further enquiries about this matter, please contact Alison Dalyell, Development Planner - Subdivision on (02) 44293464. Please quote Council's reference SF9367.

Yours faithfully



Cathy Bern
Development Services Manager
Planning & Development Services Group

Submission to DA 485-12-2002 MOD 1: 50 Lot Residential Subdivision Nadine St, Sanctuary Point

Proposed Modifications to approved plan of subdivision, ref 23791, dated 11.11.02 by Allen Price & Associates:

- a) Modified plan, 'Proposed Residential Subdivision', drawing number 26522-03, dated 06.09.2016 by Allen Price & Scarratts.
- b) Increases number of residential lots from 39 to 51, comprised of:
 - Lots 1- 10, 15 – 19, 20 – 24 & 30 – 38, north-south orientation, width 15m and depth 40m to 41m;
 - Lots 11 – 14, east-west orientation, width generally 20m depth generally 35m;
 - Lots 41 – 49, east-west orientation, width 25m, depth generally 39m;
 - Lots 39, 40, 50 & 51 – east-west orientation, battle-axe configuration, width 15m, depth variable from 43.7m to 48.6m.
- c) Creates 4 battle-axe lots;
- d) Reduces lots widths from 18m to 15m except for 9 proposed Lots 11 – 14, 25 – 28 & 29;
- e) Deletes 'Detention Basin';
- f) Creates 'Drainage Reserve' 4.5m wide to drain site to adjoining Public Reserve to the north, Lot 715 DP 1019410, classified as Community Land;
- g) Creates through road;
- h) Reduces width of roads from 18m to 16m;
- i) Deletes building setbacks;
- j) Deletes staging.

Comments

Revised Lot Layout

Council SDCP 14 Chapter G11 Acceptable Standard for lot residential lot widths is 16m. Contrary to the applicant's statement, lot widths have generally been reduced from 18m to 15m not 17 to 16m. Exceptions are, Lots 11 -1 14, 25 – 28 to 20m wide, Lot 29 corner lot average width 18m, and Lot 46 14.1m wide.

Depth of lots have generally increased in response to the reduction in the road widths. Lots 1 – 10 have increased 40m to 41m; Lots 15 to 19 & 20 to 24 have increased from 30.5m to 40.3m.

All lots achieve the minimum lot size of 500m².

Battle-axe lots 39, 40, 50 & 51:

- Have 2m access handles. SDCP 14 requires 4m access handle. As this is not been provided reciprocal **rights of way are required** to be shown on the plan.
- Are oriented east-west;
- Have a width of 15m;
- Achieve the 650m² minimum lot size, without handle, required by the SDCP14 Chapter G11 5.13;
- **Do not** achieve a minimum buildable area of 15m x 15m within the BCA boundary setbacks as outlined in the SDCP14 Chapter G11 5.13;
- **Do not** provide 4m corner splays to facilitate access and manoeuvring.

The east-west oriented lots 15m wide have potential for privacy and overshadowing issues as outlined in the Building Compliance referral response below. These issues that have not been considered in the proposal.

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.

Proposed drainage to adjoining Lot 715 DP 1019410 requires works to be carried within Council lands, as such, **land owners consent is required** for this application.

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.

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.

The 'knuckles' must accommodate garbage trucks and emergency service appliances

Supporting details such as, verge widths, pavement widths, radii of 'knuckles' and cross sections showing location of serves and landscaping have not been provided.

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.

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 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.

Contributions

Fee Estimate for the 2016/2017 financial year

Fee Estimate Date: 21 Nov 2016

Project	Description	Rate	Qty	Total	GST	GST Incl
01 FIRE 0009	City Wide - fire control/state emergency services	\$40.66	50	\$2,033.00	\$0.00	\$2,033.00
03 AREC 0001	Tennis, Football,	\$2,424.52	50	\$121,226.0	\$0.00	\$121,226.00

	Cricket, Basketball & Netball (Area 3)			0		
03 AREC 0003	Amend. No.17:Bay & Basin Leisure Centre	\$615.86	50	\$30,793.00	\$0.00	\$30,793.00
03 CFAC 0001	S94 CP AMENDMENT No.67: Bay and Basin District Community Centre and Branch Library	\$898.96	50	\$44,948.00	\$0.00	\$44,948.00
03 CFAC 0003	S94 CP AMENDMENT No.67: Bay and Basin District Recreational & Cultural Hall (Vincentia HS)	\$21.62	50	\$1,081.00	\$0.00	\$1,081.00
03 FIRE 0002	Sanctuary Point - fire control	\$50.29	50	\$2,514.50	\$0.00	\$2,514.50
03 OREC 0003	Sanctuary Point	\$2,120.75	50	\$106,037.50	\$0.00	\$106,037.50
03 ROAD 0021	Amend. No. 29: ST. GEORGES BASIN - Construct Bypass.	\$774.57	50	\$38,728.50	\$0.00	\$38,728.50
03 ROAD 0053	Wool Lane Construction (Anson St - Wool Rd)	\$657.90	50	\$32,895.00	\$0.00	\$32,895.00
CW AREC 0003	Hockey Facilities	\$294.11	50	\$14,705.50	\$0.00	\$14,705.50
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 1: Shoalhaven City Library Extensions	\$331.99	50	\$16,599.50	\$0.00	\$16,599.50
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 2: Shoalhaven City Arts Centre	\$30.03	50	\$1,501.50	\$0.00	\$1,501.50
CW CFAC 0001	S94 CP AMENDMENT No.67: Stage 3: Shoalhaven Mobile Children's Services	\$9.84	50	\$492.00	\$0.00	\$492.00
CW MGMT 0001	Project Management Costs	\$249.58	50	\$12,479.00	\$0.00	\$12,479.00
MA CFAC 0001	Northern Shoalhaven Integrated Children's Services Cnr Osborne and Worrigee Street, Nowra New Project	\$53.87	50	\$2,693.50	\$0.00	\$2,693.50
MA CFAC 0002	S94 CP AMENDMENT No.67: Northern Shoalhaven Community Transport and Family Support Services Park Road, East Nowra New Recoupment Project	\$15.43	50	\$771.50	\$0.00	\$771.50

Sub Total: \$429,499.00
GST Total: \$0.00
Estimate Total: \$429,499.00

Notes:

1. This is an estimate only and is not a payment advice.
2. Valid for the date of issue only, as these rates / projects may change over time.
3. Shoalhaven Contributions Plan 2010 commenced on 23 March 2011.

Shoalhaven Water

Shoalhaven Water have issued a Development Application Notice for the proposed Modification, copy of the notice is attached below.

**THIS NOTICE ONLY APPLIES WHERE AN OPERATIONAL
DEVELOPMENT CONSENT HAS BEEN GRANTED**

SHOALHAVEN WATER

(A Group of Shoalhaven City Council)

DEVELOPMENT APPLICATION NOTICE

(This Notice is given under Section 306 of the Water Management Act 2000)

Applicant's Name	Allen Price & Associates			
Applicant's Address	PO Box 73 Nowra 2541			
Development Type	51 Lot Residential Subdivision			
Stage				
House No.				
LOT No.	5			
DP	788159			
Section				
Parish				
Street	The Park Drive			
Location/Town	Sanctuary Point			
File No.	SF9367			
Date Completed	23/10/2003	23/9/2005	26/8/2014 Updated at applicants request	10.11.2016 75W Mod 1

- The notes, conditions/requirements (including fees/charges) listed on subsequent page/s are based on the Development Application referral or written application for a Certificate of Compliance, submitted to Shoalhaven Water on: 23/6/2005, 31/7/2014 & 28.10.2016

Please note:- Contributions/fees/charges payable will be those applicable at the time of payment and in accordance with Council's then current Management Plan (List of Council's Fees of Charges and Rentals).

- Any alterations whatsoever to the development will require review of the conditions/requirements listed and may require subsequent amendment.

- If staging of the development is to occur application for amended conditions/requirements will be required in writing to Shoalhaven Water.
- Where conditions stated on this NOTICE under “PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE” are required to be complied with no construction works are to commence without written consent from Shoalhaven Water.
- The applicant must certify the completion of all the following conditions/requirements prior to the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000.

• **Documentation/receipts/etc supporting each claim against the conditions/requirements listed in this Notice are to be submitted with this Notice to enable determination by the Water Supply Authority prior to the granting of a Certificate of Compliance.**

- For further information please contact Shoalhaven Water.

No.	Conditions/Requirements	(Please Initial)	
		Applicant's Certification	S/Water's Confirmation
PRIOR TO RELEASE OF PLAN OF SURVEY/SUBDIVISION			
Water Supply			
1	Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0002) of \$328,900.00 (2016/17) is payable for this application and is based on 50 ET's. However, Council resolved on 3-9-2013 to allow concession to the calculated loading for all types of developments (MIN13.864). Therefore, a concessional Water Supply Infrastructure Development Servicing (Section 64) charge – (44WATR0002) of \$161,161.00 (2016/17) is payable for this application. <i>The applicant is advised that after the 30 June 2017 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i>		
2	The developer shall pay the base fee for a 20mm metered service to each unmetered lot. The base fee per 20 mm service is \$732.00 (2016/17). All meters shall be located within the lot to be serviced as approved by Shoalhaven Water. <i>NOTE: The connection fee for a 20mm metered service is \$112.00 (2016/17) and is paid by the person making application for installation of the metered service.</i>		
3	Water reticulation shall be made available to each lot. All plans and specifications for proposed water supply works are to be submitted to and approved by Shoalhaven Water. Works are to be design and constructed in accordance with Water Services Association of Australia – Water Code of Australia – WSA 03-2011 Version 3.1 and Shoalhaven Water's Supplement		

	to the code. The supplement document is available via Shoalhaven Water's web site under Publications & Forms.		
Sewerage Services			
4	Sewer Service Infrastructure Development Servicing (Section 64) charge – (80SEWR0002) of \$416,950.00 (2016/17) is payable for this application and is based on 50.0 ET's. However, Council resolved on 3-9-2013 to allow concession to the payable amount for all types of developments (MIN13.864). Therefore, a concessional Sewer Service Infrastructure Development Servicing (Section 64) charge – (80SEWR00002) of \$204,305.50 (2016/17) is payable for this application. <i>The applicant is advised that after the 30 June 2016 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.</i>		
5	Sewerage is to be made available to each proposed lot. All plans and specifications for proposed sewerage works are to be submitted to and approved by Shoalhaven Water. Works are to be design and constructed in accordance with Water Services Association of Australia - Sewerage Code of Australia – WSA 02-2002 Version 2.3 and Supplement to the Water Services Association of Australia - Sewerage Code of Australia (WSA 02-2002 Version 2.3) Revision 2.		
6	Sewer junction(s) to be provided to the proposed lot(s).		
7	An 'Easement for Drainage of Sewage' shall be created over all lots, which have the gravity sewer running through them. The easement shall be located centrally over the sewer pipes. The minimum widths of the easement shall be as follows: Sewer depth to invert less than 2.50m - easement 2.40m wide Sewer depth to invert greater than 2.50m - easement 4.0m wide		
8	Deleted		
General			
9	Water and sewerage infrastructure shall be constructed, including land matters and easements throughout the subdivision/development to ensure that the orderly development of the adjoining lands can be undertaken as development of the area progress.		
10	Written approval shall be obtained from all landowners who are impacted/affected by proposed water supply and/or sewerage infrastructure and/or landowners who are impacted/affected by alteration/s to existing water supply and/or sewerage		

	infrastructure.		
11	Prior to granting of release of plan of survey/subdivision, satisfy all conditions, complete this Notice and submit (including lodgement of all documentation/receipts etc) to Shoalhaven Water.		
12	All works are to be at the developer's expense.		

ADVICE TO APPLICANT

- **Note:- GST is not applicable to Developer Contributions.**
- All non strata and non residential properties **(incl. dual occupancies)** will be levied water and wastewater availability charges (where applicable) based on the size of the water meter service connection/s. For further information regarding water and wastewater availability charges please contact Shoalhaven Water on 4429 3547.
- The connection fee for a single 20mm metered service is paid by the person making application for connection. Amount applicable is subject to time of payment (refer to Council's Fees and Charges). **Note:- GST is not applicable to the provision of meters water services.**
- It is the responsibility of the owner/developer to ensure that all existing internal water lines being retained are contained wholly within the respective lot being served.
- Where direct payment into Council's banking account has been made by the applicant, appropriate details must be provided (eg. DA No., stage, what type of payment, etc) in order for the payment to be processed. **A hard copy of the receipt (payment details) MUST be provided by the applicant to Shoalhaven Water where a Construction Certificate and/or Certificate of Compliance is requested.**
- Properties are categorised and charges levied for water and sewerage services based on a number of factors including the nature and use of premises to which the services are provided. A change of category may cause different water/sewerage/trade waste charges to be levied as a consequence of this approved development. Applicants are advised to contact Shoalhaven Water for further details of the ongoing fees and charges.
- **Shoalhaven Water undertakes the installation, modification and maintenance of all metered or unmetered services which are connected directly to the mains within the Shoalhaven Local Government area. Unless approved in writing by Shoalhaven Water it is an offence under the Local Government Act to tamper with any metered service or fittings owned and operated by Shoalhaven Water.**

This completed Notice is hereby submitted for the granting of a Certificate of Compliance under Section 307 of the Water Management Act 2000. **All documentation/receipts/etc supporting my claim against the above requirements is attached.**

Applicant's

Name

(Please Print)

Applicant's

Signature

Date

/ /

Shoalhaven Water acknowledges all conditions/requirements as set out in this Notice have been satisfied.

Council Officer

Date

Referral Responses

The proposed modification to the approved subdivision was referred to the RFS and relevant Council officers, the responses are provided below

Subdivision Engineer

ROADS and ACCESS

The road reserve widths proposed for the north and south legs are less than the original approval of 18m and are now proposed at 16. The applicant has not advised of the proposed roadway and verge widths or proposed “knuckle” radii. The original road reserve at the eastern end with the narrow roadway may have been 16m but the approved plans make no mention of it. The current proposed plans indicate unusual widths for the verge and roadway widths at Nadine St and the road reserve appears to be 16m as well therefore typical cross sections will be required for all roads.

Council has been requested in the past to reconsider the location of street trees installation following provision of underground services not leaving sufficient suitable space. To ensure this does not occur again and allow Council to suitably assess any application, we need typical cross sections (see also comment above) to show proposed service and landscaping locations and confirm the proposed roadway and verge widths which are not dimensioned in the application.

DRAINAGE

The applicant has not provided their calculations for the proposed onsite detention system with the application and we can't be sure if their S75w is compliant with their pre application discussions with Council. A copy of their calculations as discussed with Council prior to the S75W submission must be provided for confirmation by Council.

Building Compliance

Overshadowing issues

The properties orientated east west (shown below) 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 -

- a) The average building setback for the residential section of the building shall not be less than 2.5 metres from the northerly side boundary or as determined by Shoalhaven City Council.
- b) No building shall exceed one storey in height.

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:

- a) Visual intrusion (height and length of walls) relative to the adjacent residential development.
- b) Solar access and visual privacy for the subject application and adjacent residential development.
- c) The quantum of private open space (minimum of 80 square metres and not less than 4 metres wide).
- d) Vehicle parking (minimum of two, which may be in tandem, one of which may be a garage (not a carport)).
- e) The roof pitch of the dwelling and other main buildings (minimum 25 degrees).
- f) The total roof area of all buildings shall not exceed 50% of the allotment area.



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.

Any inter-allotment drainage should also have an 88b restriction outlining who is responsible for maintenance of the drainage line.

All junctions should be drawn on the 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.

Street Parking

As mentioned above in (d) consideration should be provided to additional onsite parking as the smaller streets have the ability to create congestion.



NSW RURAL FIRE SERVICE



Secretary General
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Your Ref: DA 485-12-2002 MOD 1

Our Ref: D16/3566

ATTENTION: Fiona Gibson

4 November 2016

Dear Fiona

**DA 485-12-2002 MOD 1 - S75W Modification to Residential Subdivision at Nadine Street
Sanctuary Point, NSW**

I refer to your letter received by the NSW Rural Fire Service (RFS) on the 24 October 2016 seeking comment for the above proposal. The RFS has reviewed the submitted modification and provides the following comments for your consideration.

1. 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.
2. Contrary to the submitted documentation, condition number H2 is not a reflection of the hazard to the south. This condition was applied to ensure that future dwellings within the subdivision are not subject to hazards from surrounding lots (also within the subdivision). This 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:
 - 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 Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. This letter is in response to the proposed S75W Modification submitted and supersedes our previous approval dated 11 November 2003.

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



For any enquiries regarding this correspondence or to discuss the matters raised in this letter further please contact Martha Dotter on (02) 4472 0600.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Amanda Moylan', with a stylized flourish at the end.

Amanda Moylan

Team Leader Development Assessment and Planning