

30 September 2016  
Our Ref: 26522 KAB  
Your Ref: DA485-12-2002

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

Attention: Mr Chris Ritchie

Dear Chris

**REQUEST TO MODIFY A DEVELOPMENT APPROVAL UNDER SECTION 75W OF THE EP&A ACT –  
DEVELOPMENT APPLICATION 485-12-2002 FOR A RESIDENTIAL SUBDIVISION – NADINE STREET,  
SANCTUARY POINT.**

I refer to the above development approval for the residential subdivision of thirty-nine (39) residential allotments and one lot for the purposes of open space drainage control over the abovementioned land, determined on 3 August 2005.

Allen Price and Scarratts seeks to lodge a S75W modification application to this application primarily to increase the number of proposed residential allotments from thirty-nine (39) residential allotments and open space for stormwater drainage control as well as residential use, to fifty-one (51) residential allotments and a drainage reserve.

The proposed modifications include:

- An increase in the number of residential allotments created from 39 residential allotments and one drainage allotment to 51 residential lots and a drainage reserve;
- The removal of the staged development component; and
- Alteration of the road layout.

Documents provided with this Section 75W modification request include:

- Allen Price and Scarratts S75W modification supporting letter;
- S75W application form including owner's consent and political donations;
- Allen, Price & Scarratts sketch plan 26522-03 dated 6/09/2016 illustrating proposed residential subdivision;
- Allen, Price & Scarratts Concept Engineering Plan 26522-402 dated August 2016 illustrating road and drainage concept design; and
- A CD-ROM of the included documents.

In order to consolidate the proposed amendments sought in one document, the following conditions are those proposed to be modified or deleted:

- A1 – Development Description;
- A2 – Development in Accordance with Plans;
- A3 – Staged Development;
- B2 – Road, Drainage and Pavement Works
  - o (a)
  - o (b)
  - o (c)
  - o (f)
  - o (g)
  - o (h)
  - o (l);
- B3 – Shoalhaven Water Requirements – Water Supply and Sewer
  - o (a);
- B4 – Vegetation Clearance and Retention Plan
  - o (g);
- B6 – Landscape Plan – Open Space and Streetscape Areas
  - o (cii);
- E7 – Creation of Lots and Public Reserve;
- E11 – Monetary Contributions – Additional Services and Facilities;
- H2 – Section 88N Restriction – Development of Dwellings; and
- H3 - Section 88N Restriction – Sale of Lots.

Please be advised that **bold/underline** text within the conditions below indicates the amended wording requested.

***Amend condition A1 to read: Development consent is granted only to carrying out the development described in detail below:***

- (1) **51** lot land subdivision including:
  - (a) **51** residential lots; and
  - (b) drainage reserve,
- (2) creation of roads; and
- (3) vegetation clearing.

**Reason:** The plan referred to in development application **485-12-2002** was approved on 3 August 2005. The attached plan number 26522-03; Revision PO; titled Plan of Proposed Residential Subdivision; dated 6 September 2016, supersedes the previous approved plan as a result of the modifications to the allotment layout and numbers and drainage configuration.

The amendments to the plan are as follows:

- **Deletion of the detention basin** - Stormwater detention is proposed to take the form of oversized rainwater/detention tanks for individual dwellings and therefore a Council-owned end-of-line detention basin is not a requirement to protect the local drainage network from increases in peak runoff flow rates. In accordance Chapter G2 of the Shoalhaven (DCP), titled Sustainable Stormwater Management and Erosion/Sediment Control, acceptable solution A4.7 states *‘For subdivisions it is recommended that OSD is at the individual dwelling scale. Where OSD is proposed on public land, the OSD system must be kept to a minimum’*. Therefore the proposed stormwater detention is consistent with the requirements of the DCP.
- **Reconfiguration of the proposed lot layout and increasing the number of lots from 39 to 51** – The site lot layout is proposed to be altered primarily as a result of the deletion of the detention basin and the alteration of the lot widths.

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.

Given that the street pattern remains the same, the increase in lot yield is minimal and the use of infrastructure is equivalent and more efficient, it is considered that the proposed development is substantially the same development as the originally approved development.

The size and width of the lots were previously approved under development consent 486-12-2002 is detailed in the following insert:

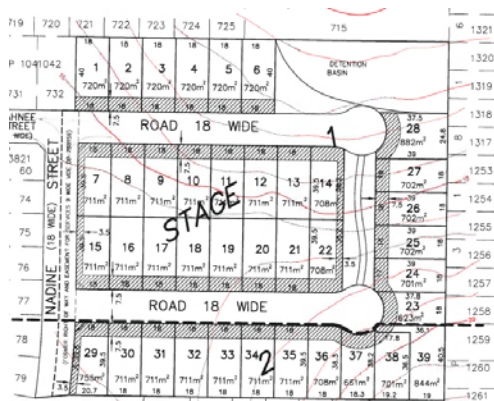


Figure 1 – Approved Lot Layout under development consent 486-12-2002 – Allen Price & Associates 2002

The size and width of the lots within the proposed lot layout is detailed in the following insert:



Figure 2 – Proposed Lot Layout under S75W – Allen Price and Scarratts 2016

The proposed lots are in excess of the minimum allotment size requirement of 500m<sup>2</sup> in accordance with the Shoalhaven Local Environmental Plan (LEP) 2014. The proposed battle-axe allotments are consistent with the minimum requirement of 650m<sup>2</sup>, excluding the access handle in accordance with the DCP.

It is a DCP requirement that the minimum width of non-corner lots is 16m with the minimum depth being 30m. Some of the proposed lots are not consistent with the minimum lot width controls of the DCP however, are in accordance with the performance criteria. The modification provides a more varied range and mix of lot sizes to ensure dwelling variety that meets user requirements and lots that area suitably solar orientated.

Notwithstanding the fact that that there is a modest reduction in the minimum lot width from 17m to 16m, this is compensated by the fact that the lot areas exceed the minimum lot size requirement by at least 5%.

- **Modification of the road design and cul-de-sac heads** – The proposed development seeks approval for minor alterations to the road design and cul-de-sac in order to provide a more efficient flow of traffic within the development. The modified road layout will also improve circulation for fire tankers.
- **Deletion of the requirement for concrete pavement material and continuation of flexible road pavement** – There is no DCP requirement or engineering standard requiring the road pavement material to be concrete. It is proposed that the road construction material will be flexible pavement and no section of the road will be constructed of concrete.
- **Singular staging of the development** – The property owner proposes to develop the site without the need for staging. There are no applicable controls requiring the development to be staged and the alteration of the development staging has no impact on the final outcome of the proposed development.

**Amend condition A2 to read:**

*The development shall be in accordance with approved development application number 485-12-2002 submitted by the applicant on 30 December, 2002, and in accordance with the following:*

| <i>Drawing No.</i> | <i>Revision</i> | <i>Name of Plan</i>                      | <i>Date</i> |
|--------------------|-----------------|------------------------------------------|-------------|
| 26522-03           | PO              | Plan of Proposed Residential Subdivision | 6/9/2016    |

**Reason:** The plan referred to in development application **485-12-2002** was approved on 3 August 2005. The attached plan number 26522-03; Revision PO; titled Plan of Proposed Residential Subdivision; dated 6 September 2016, supersedes the previous approved plan as a result of the modifications to the allotment layout and numbers and drainage configuration.

**Delete condition A3**

**Reason:** The property owner longer proposes to stage the development as the removal of the staged component of the consent provides for the more efficient development of the site. There are no applicable controls requiring the development to be staged and the alteration of the development staging has no impact on the final outcome of the development.

**Delete condition B2 and replace with:**

- (a) **The residential streets are to each have a carriageway of 5 metres. The pavement is to be designed for a traffic loading of 6 x10<sup>4</sup> ESA and to be surfaced with a layer of asphalt. The pavement thickness is to be determined from the charts in APRG Report No. 21. The pavement is to be contained with layback kerb and gutter. Subsoil drainage is to be provided behind the kerb line.**

**Reason:** There is no DCP requirement or engineering standard requiring the road pavement material to be concrete. It is proposed that the road construction material will be flexible pavement and no section of the road will be constructed of concrete.

- (b) **Delete point (b) of condition B2**

**Reason:** Full cul-de-sacs are no longer proposed and the reference to the size is no longer applicable.

- (c) **Delete condition B2(c)**

**Reason:** There is no DCP requirement or engineering standard requiring the road pavement material to be concrete. It is proposed that the road construction material will be flexible pavement and no section of the road will be constructed of concrete.

- (d) **Delete condition B2(f) and replace with:**

Concrete kerb and gutter and associated shoulder seal is to be constructed fronting the proposed new lots **11, 12, 13, 14 & 29** together with associated stormwater drainage. The kerb and gutter shall have a layback profile. The kerb and gutter shall have an absolute minimum grade of 0.3%. The shoulder crossfall shall range between 3%-5%. The kerb alignment shall provide for a 7.0 metre carriageway. The road shoulder shall be bitumen sealed or sealed with 25mm of AC from the lip of the kerb to the edge of the existing bitumen seal on a pavement having minimum compacted thickness of 300mm.

**Reason:** Lot numbers have been altered in the proposed revised lot layout and therefore the corresponding lot numbers require updating.

**(e) Delete condition B2(g) and replace with:**

Driveway at battle-axe lots **39 and 40** and lots **50 and 51** to have reinforced concrete pavement 3m wide 125mm thick on 75mm FCR, AS72 Fabric with 35mm topcover 20MPa concrete; or 3m wide hotmix sealed pavement minimum 25mm thick on 200mm of compacted road base including a subsoil drain on the high side.

**Reason:** The approved layback kerb and gutters do not require gutter crossings in accordance with standard practice. The access driveways to the battle-axe allotments shall be in accordance with current best practice standards.

**(f) Delete condition B2(h) and replace with:**

**The provision of road, drainage and piping of drainage easements for a 1:5 year rainfall recurrence interval and in accordance with Council's Subdivision Code. This includes interallotment drainage where necessary. Drainage and detention design must be in accordance with Council's current standard.**

**Reason:** In accordance with the Shoalhaven Development Control Plan (DCP) 2014, Chapter G2 5.1.3 A4.7 stormwater detention is proposed to take the form of oversized detention tanks for individual dwellings and therefore a detention basin is not required.

**(g) Delete condition B2(l) and replace with:**

**Pedestrian access in the form of footpaths/walkways is to be provided along newly constructed roads in accordance with Council requirements. Wheelchair/pram ramps are to be provided at intersections and crossing points.**

**Reason:** The reference to the word “both” in condition B2(l) is no longer applicable as the road layout is now continuous and full cul-de-sacs are no longer proposed.

**(h) Amend condition B3:**

*Amend condition B3 to reflect Shoalhaven Water's current fees and charges.*

**(i) Delete condition B4(g)**



**Reason:** Shoalhaven City Council are not in support of a restriction on the 88b instrument requiring trees to be retained, as Council approval can be issued for the removal of trees at Development Application stage for individual dwellings. Council's DCP Chapter G3; titled Landscaping Design Guidelines states that *"existing trees and landscape elements which make a positive contribution to the character of the area should be retained and integrated into the redevelopment of the land"*. It is therefore considered that a restriction on the 88b instrument requiring trees to be retained is not a necessary requirement.

#### **Delete condition B6(cii)**

**Reason:** A drainage detention basin is no longer proposed and therefore its reference is no longer applicable.

**Amend condition E7 to read:** *Prior to the issue of any subdivision certificate the proposed lots are to be created as per the approved plan(s).*

**Reason:** A drainage detention basin is no longer proposed and therefore its reference is no longer applicable.

#### **Amend condition E11 to reflect the current monetary contributions**

**Reason:** Condition E11 is required to reflect the updated monetary contributions for the additional allotments and indexed contributions for the appropriate year.

#### **Delete condition H2:**

**Reason:** A restriction was imposed on lots 23 - 33 requiring that the erection of a dwelling can not occur until they are hazard reduced so that all proposed lots have the vegetation managed as an Outer protection Area (OPA) as outlined in section 4.2.2 in *Planning for Bushfire Protection 2001*. The land to the south and south-west referred to in the condition has been developed and no longer represents bushfire hazard as detailed in the image below.



Figure 3 – Aerial View of Site – Google 2016

**Delete condition H3:**

**Reason:** Once the subject parcel is developed the bushfire hazard will be no longer a threat to existing or future residential development.



The Department favourable consideration of this Section 75W modification request is sought.

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

Yours faithfully  
ALLEN, PRICE & SCARRATTS



Katherine Buckley  
Encl





