

Our Ref: 104016-200/Letter 002

Contact: Connie Lau



12 March 2009

Department of Planning  
GPO Box 39  
**SYDNEY NSW 2001**

Attention: Ms Caitlin Bennett

**SECTION 75W MODIFICATION TO PROJECT APPLICATION  
RESIDENTIAL SUBDIVISION, VINCENTIA COASTAL VILLAGE  
MP 06\_0058**

---

Further to our telephone conversation with Anna Johnston of Department of Planning, we are pleased to submit this application to modify the subject project application under Section 75W of the Environmental Planning and Assessment Act (EP&A Act). The proposed modification comprises the reduction of 4 lots in the approved 607 lots residential subdivision in the Vincentia Coastal Village.

### Background

Stockland Development Pty Ltd (Stockland) submitted concurrent Concept Plan and Project Applications under Part 3A of the Environmental Planning and Assessment Act (EP&A Act) for land at the corner of The Wool Road and Naval College Road, Vincentia. In general, the Concept Plan approval included the masterplanning of the Village (MP 06\_0060), and the Project Application (MP 06\_0058) for the residential subdivision of 604 lots, and the associated service and infrastructure and activities. The approval was subsequently modified to permit 607 residential lots.

The application (combined Concept and Project) was approved by the Minister for Planning in January 2007.

Stockland is reviewing the market requirements of the approved subdivision and found that Stage 2 does not currently deliver the required lot mix and sizes that meet the market demands. Stockland proposes to modify the existing layout to reflect the market needs.

Stockland also proposes to remove condition No. 68 of the Statement of Commitment, which requires a lot classification geotechnical report to be lodged to Shoalhaven City Council prior to the issue of the Subdivision Certificate.

Stockland has commissioned Cardno Forbes Rigby to prepare the required modification documents and revised plans.

**Cardno Forbes Rigby Pty Ltd**  
ABN 41 003 936 981

278 Keira Street, Wollongong  
NSW 2500 Australia  
**Telephone: 02 4228 4133**  
Facsimile: 02 4228 6811  
International: +61 2 4228 4133  
Email: [cfr@cardno.com.au](mailto:cfr@cardno.com.au)  
[www.cardno.com.au](http://www.cardno.com.au)

#### Cardno Offices

Brisbane  
Sydney  
Canberra  
Melbourne  
Perth  
Darwin

Cairns  
Townsville  
Rockhampton  
Hervey Bay  
Sunshine Coast  
Toowoomba  
Gold Coast  
Gosford  
Baulkham Hills  
Busselton  
Wollongong

Papua New Guinea  
Indonesia  
Vietnam  
China  
Kenya  
United Arab Emirates  
United Kingdom



## Proposed Modification

The proposed modification consists of:

1. Reconfiguration of the existing layout in Stage 2 and increasing the sizes of some of approved lots. The modification will result in the reduction of 4 lots, from the approved 40 lots in this location to 36 lots. It affects Lots 645, 646, 702-711, 719-724, 726-734, under the approved Project Plan. These lots have not been registered. **Figure 1** shows the location of these lots within the context of the overall masterplan.

**Appendix A** provides the proposed layout of State 2, overlaid on the approved layout under the project approval (MP 06\_0058). We have also provided a separate plan, showing only the proposed layout.



**Figure 1 – Approved Masterplan showing the area of modifications**

The proposed lot 201 adjoins the approved lot to the west (Lot 190, which was approved in the previous modification application No. 3). The layout plan in **Appendix A** shows these approved lots and the proposed layout.

2. Removal of Item No. 68 under the Statement of Commitments. This item relates to the submission of a lot classification geotechnical report to Shoalhaven City Council for each stage of the development prior to the release of the subdivision certificate for that stage. This was lodged with Stage 1 subdivision application. The previous experience in Stage 1 suggested that it is unusual to require such investigation in the subdivision stage. The following section provides further justifications.

### **Justification for the Proposed Modification**

1. **Reconfiguration of existing layout** – The approved layout of this portion of the subdivision included 6 lots (Lots 719-724), serviced by roads in the front and the rear of the lots. There are no real benefits to provide access to both sides of the lots. The layout makes these roads inefficient.

Reconfiguration of the road layout will allow the roads to service the front of the lots only and allow a more efficient design.

The proposed subdivision also contains larger lots compare within approved subdivision. This reflects the market demand based on their experience from Stage 1.

2. **Removal of Item 68 under the Statement of Commitments** – When constructing Stage 1, Stockland liaised with Shoalhaven City Council regarding the need to comply with this item and prepare a geotechnical classification on the lots.

It is uncommon to carry out geotechnical investigation prior to the subdivision certificate as it relates to the individual dwelling and is difficult to enforce in the construction stage. In our enquiry with Council, they agreed that this investigation is only required when there are specific problems with specified lots, for example in areas of controlled filling, and suggested we approach DoP to remove this requirement. Council's advice is provided in **Appendix B**. Because of the strict terms of the Statement of Commitments, Stockland has submitted a geotechnical lot classification report in Stage 1 to comply with the Commitments. We could not confirm the reason of including this condition in the original Statement of Commitments.

Having experience the process in Stage 1, Stockland considers this requirement to be redundant in the subdivision stage and proposes to remove this item from the Statement of Commitments. The original geotechnical investigation that was submitted in the concept/project applications did not indicate major issues with the future residential development. If geotechnical investigations are required over future proposed lots these investigations will be undertaken at the discretion of Council and the consulting engineers.

### **Consistency with Approved Concept Plan**

The modification is consistent with the approved Concept Plan because:

- The changes in the approved road layout are only minor, and there will be a small reduction in the number of lots.
- The proposed changes are contained within the approved and zoned residential area. They will not affect land that is identified for open space or conservation area.

- As identified below, the modification will not impose significant impacts on the approved infrastructure and utilities

## Statutory Planning Review

The principal planning controls applying to the subject site are contained in Part 29 Schedule 3 of the SEPP (Major Projects) 2005. This amendment was gazetted on 14 November 2008.

The subject lots are not located within the coastal zone. An assessment against Clause 24 of Part 29 Schedule 3 is not required.

There are no other planning controls applying to the proposed modification on the site.

## Environmental Planning Assessment

**Table 1** assesses the potential impacts of the proposed modification.

**Table 1 – Assessment of Potential Environmental Impacts**

Potential Impacts	Discussions/Justifications
<b>Open Space and Conservation Area</b>	The proposed modification is wholly contained within the approved residential area. It will not affect land dedicated to open space or conservation areas.
<b>Housing Mix</b>	<p>The proposed change will generally increase the number of large lots and improve the existing housing mix in the Village. It will reduce 8 small lots (300-400m<sup>2</sup>), increase 5 Village Lots (400-500m<sup>2</sup>), and retain the number of the existing 17 Bushland &amp; Traditional Lots (475-700m<sup>2</sup>).</p> <p>The existing housing mix in this location is mainly predominated by a large proportion of small lots. The proposed modification will increase the provision of other lot sizes. It is considered that the proposed changes are not significant.</p>
<b>Streetscape</b>	The proposed modification will not significantly affect the streetscape of the development. The proposed changes in the road layout will ensure more efficient use of the road infrastructure. The use of these lots (ie. residential dwelling houses) will maintain as residential, hence there is no significant change in terms of the character of the development.
<b>Traffic</b>	The proposed modification will not result in significant increase in traffic.
<b>Bushfire</b>	The changes in the lot boundary will not result in any changes in the existing bushfire management measures. There is no change in the road width, which has been designed to accommodate emergency vehicles in case of bushfire.
<b>Noise</b>	<p>The approval for Stage 1 District Town Centre (06_0025) included a condition relating to noise mitigation. Clause 2.33 provided that:</p> <p><i>“Should development of the proposed Bayswood Retirement Living Village (MP 08_0096) not proceed, noise mitigation measures such as architectural treatments shall be provided to the residential subdivision to the west of Moona Creek Road to mitigate noise impacts on affected lots.</i></p> <p><i>This condition may be satisfied by imposing a section 88B instrument on the title of future affected lots requiring architectural treatments to be incorporated into the design of the future dwellings to meet the required noise attenuation”.</i></p>

---

This requirement will remain the same. The proposed modification will not affect the future noise treatments of the affected lots.

---

**Utilities,  
Infrastructure and  
electricity**

The approved utilities and infrastructure have the capacity to subject site.

---

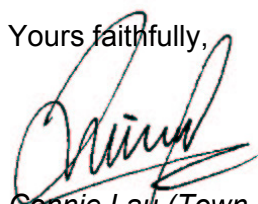
**Section 94  
Contribution**

The reduction in 4 lots will attract a reduction in the S94 fee. The previous modification added three lots into the overall subdivision. This has resulted in an increase in the S94 contribution by a rate of \$4,196.08 per lot. Based on this, the subject modification will lead to a reduction of four lots. The S94 contribution should be **\$2,530,235**.

---

We trust the above information is sufficient for your assessment. If you require any information on the proposal, please contact me on (02) 4228 4133.

Yours faithfully,



Connie Lau (Town Planner)  
for **Cardno Forbes Rigby**

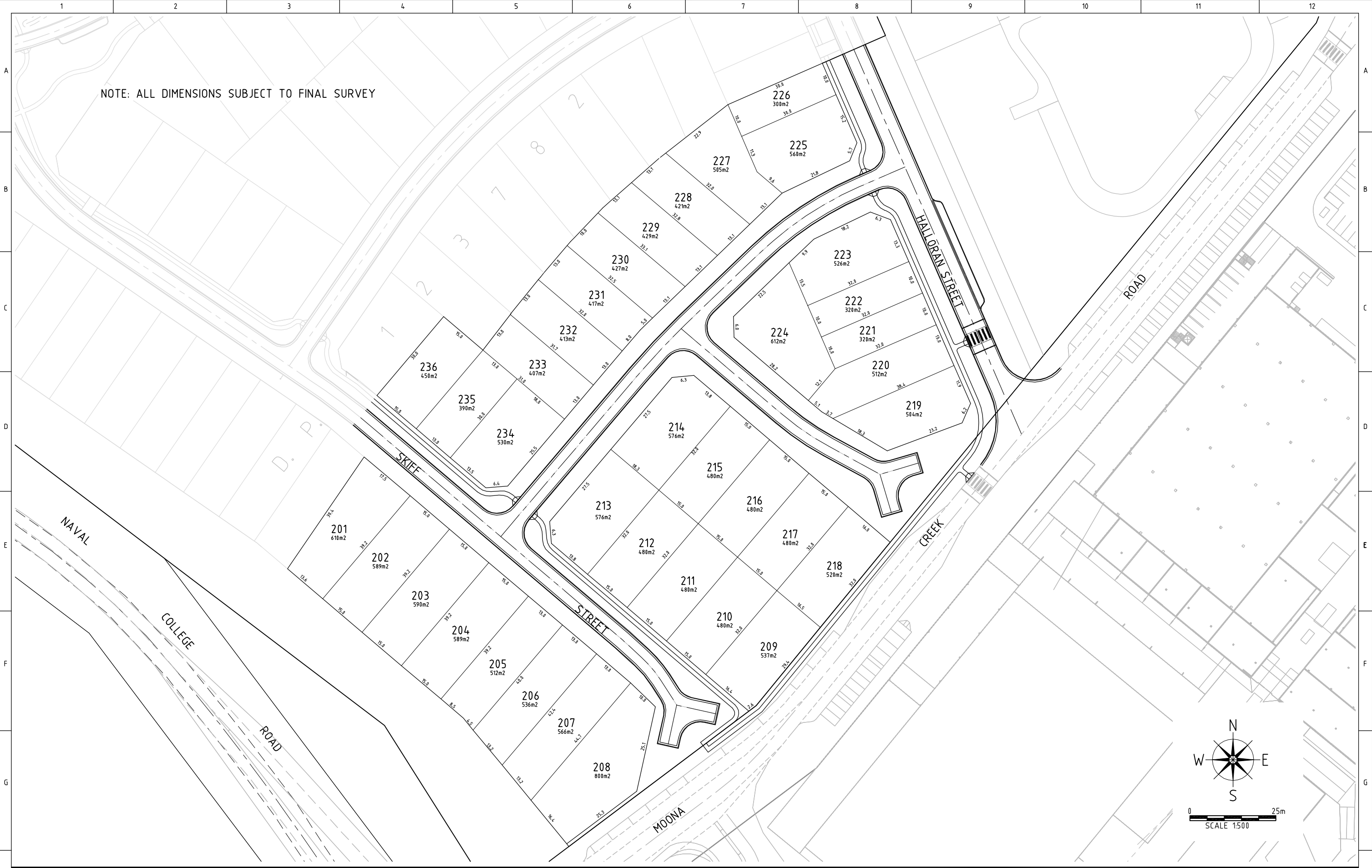
cc. Alex Maffi , Stockland




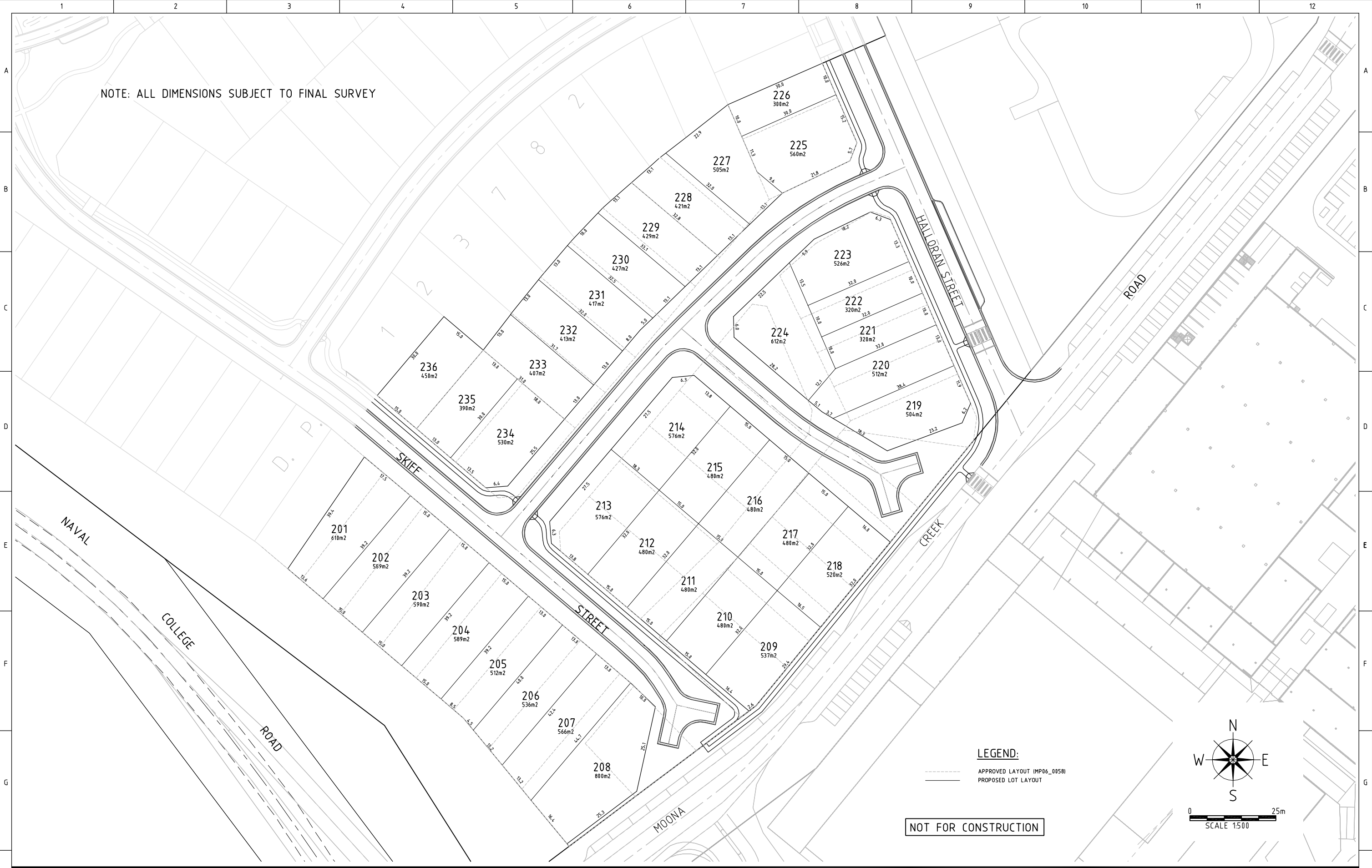
# **A P P E N D I X**


## **A**

### **PROPOSED SUBDIVISION LAYOUT (STAGE 2)**



REV	DATE	BY	APP.	DETAILS	DRAWING STATUS			SCALE: (on A1 Original)  1:500	  278 KEIRA STREET, WOLLONGONG, NSW 2500 Ph: (02) 4228 4133 Facsimile: (02) 4228 6811 ACN: 051 074 992 <i>This drawing is subject to COPYRIGHT. It remains the property of Cardno Forbes Rigby Pty Ltd</i>	PROJECT TITLE  VINCENTIA COASTAL VILLAGE AND DISTRICT CENTRE  for STOCKLAND DEVELOPMENTS PTY LTD	DRAWING TITLE			
				DESIGN BY	MAK	11/02/09	STAGE 2 LAYOUT MODIFICATION							
				DRAWN BY	AK/ROH	26/02/08	Project No.				Com No.	Drawing No.	REV	
				DRAFTING CHECK	PJS	12/03/09	104016				200	200004	0	
				DESIGN CHECK	MAK	12/03/09								
				FINAL APPROVAL	MAK	12/03/09								
					APPROVAL			HEIGHT DATUM AHD						



REV	DATE	BY	APP.	DETAILS	DRAWING STATUS			SCALE: (on A1 Original)  1:500	  278 KEIRA STREET, WOLLONGONG, NSW 2500 Ph: (02) 4228 4133 Facsimile: (02) 4228 6811 ACN: 051 074 992 This drawing is subject to COPYRIGHT. It remains the property of Cardno Forbes Rigby Pty Ltd	PROJECT TITLE  VINCENTIA COASTAL VILLAGE AND DISTRICT CENTRE  for STOCKLAND DEVELOPMENTS PTY LTD	DRAWING TITLE  STAGE 2 LAYOUT MODIFICATION (WITH APPROVED LAYOUT)												
					DESIGN BY	MAK	11/02/09																
					DRAWN BY	ROH	11/03/09																
					DRAFTING CHECK	PJS	12/03/09																
					DESIGN CHECK	MAK	12/03/09																
					FINAL APPROVAL	MAK	12/03/09																
					FOR INFORMATION																		
1		2		3		4		5		6		7		8		9		10		11		12	

1:500 SCALE ON A1 ORIGINAL  
March 12, 2019 5:08:06 p.m.  
Xrefs: x\_104016-200\_base.dwg



# **A P P E N D I X**

**EMAIL FROM SHOALHAVEN CITY  
COUNCIL RE THE ADEQUACY OF  
LOT CLASSIFICATION  
GEOTECHINICAL REPORT**

**B**

## Melissa Mostyn

---

**Subject:** FW: Vincentia for Stockland - SF9786 - lot classification reports (104016-100)

**From:** Pym, David [mailto:PYM@shoalhaven.nsw.gov.au]

**Sent:** Tuesday, 8 January 2008 5:37 PM

**To:** Mark Klein

**Cc:** Taylor, Louise; Dollery, Ian

**Subject:** RE: Vincentia for Stockland - SF9786 - lot classification reports (104016-100)

Mark

Council's usual practise is to only require geotech classification on lots if we know there are problems on specific lots. I do not know where this requirement came from. Maybe Stockland themselves proposed it???

The difficulty is that I cannot pick and choose which conditions of consent should be complied with. If it was a Council consent, I would have no objection to a bond being paid to cover the cost of the testing and reporting, PLUS a S96 to delete the requirement. Then, if the S96 was approved, the bond would be returned.

But, it's a DOP consent and we must require all conditions be complied with. Suggest either modify consent or arrange geotech. It will come down to which is the worse for Stockland.

Regards, DP.

---

**From:** Mark Klein [mailto:Mark.Klein@cardno.com.au]

**Sent:** Tuesday, 8 January 2008 3:35 pm

**To:** Pym, David

**Cc:** CFR\_Document Control

**Subject:** Vincentia for Stockland - SF9786 - lot classification reports (104016-100)

Hi David,

The Statement of Commitments for Stockland's Vincentia project (Item 68) requests lot classification reports for each stage. I can't ever remember seeing such a condition on a SCC Consent and I confirmed with Ian Dollery that you guys generally don't require it. That said, will it hinder you in signing off on the linen plan in 3 days if I don't provide the report? Stockland would prefer individual lot owners to source their own geotech advice at house DA stage.

**Mark Klein**

*Senior Manager - Urban Development*  
for Cardno Forbes Rigby Pty Ltd

Phone: 02 4228 4133

Fax: 02 4228 6811

Mobile: 0418 601 401

Email: [mark.klein@cardno.com.au](mailto:mark.klein@cardno.com.au)

<http://www.cardno.com.au>

\_\_\_\_\_ NOD32 EMON 2772 (20080107) information \_\_\_\_\_

This message was checked by NOD32 antivirus system

<http://www.eset.com>

\_\_\_\_\_ NOD32 EMON 2775 (20080108) information \_\_\_\_\_