

6 July 2016
Our Ref: 6376D.1DK_Mod 15

planning consultants

The Secretary
Department of Planning and Environment
GPO Box 39
Sydney 2000

Dear Sir,

Section 75W Modification of Concept Plan Approval (MP06_0060) and Project Approval (MP06_0058) – Modification No. 15

Vincentia Coastal Village & District Centre, Corner of Wool Road and Naval College Road, Vincentia – Lot 6002 DP 1195858

1.0 Part 3A Transitional Provisions

A combined Concept Plan and Project application was approved by the Minister for Planning on 25 January 2007, and has been modified under section 75W of the Environmental Planning and Assessment Act (EP&A Act), 1979 on a number of occasions.

Schedule 6A of the EP&A Act sets out the transitional arrangements for the repeal of Part 3A of the Act. Clause 2 – Transitional Part 3A projects describes the projects that are transitional Part 3A projects and the provisions relevant to the subject Projects as follows:

- 2 (1) *The following are, subject to this Schedule, **transitional Part 3A projects**:*
- (a) *an approved project (whether approved before or after the repeal of Part 3A),*
 - (b) *a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*

In this instance, both the Concept Plan and Project applications were approved prior to the repeal of Part 3A and are therefore transitional Part 3A projects.

Clause 3 of Schedule 6A provides that “*Part 3A of this Act (as in force immediately before the repeal of that Part and as modified under this Schedule after that repeal) continues to apply to and in respect of a transitional Part 3A project.*” The repealed provisions of Part 3A continue to apply to the Concept Plan and Project approvals, which includes section 75W dealing with modifications of approvals.

2.0 Need for the Modification

The information submitted with Modification No. 14 (dated 30 May 2013) explained that Stockland made a decision to sell the remaining (undeveloped) stages of the Bayswood residential subdivision. This included Lot 6002 DP 1195858 which is also known as the retirement living site approved under a separate Project Application (being MP08_0096) and shown in **Figure 1**.

The site has an area of 8.847ha.

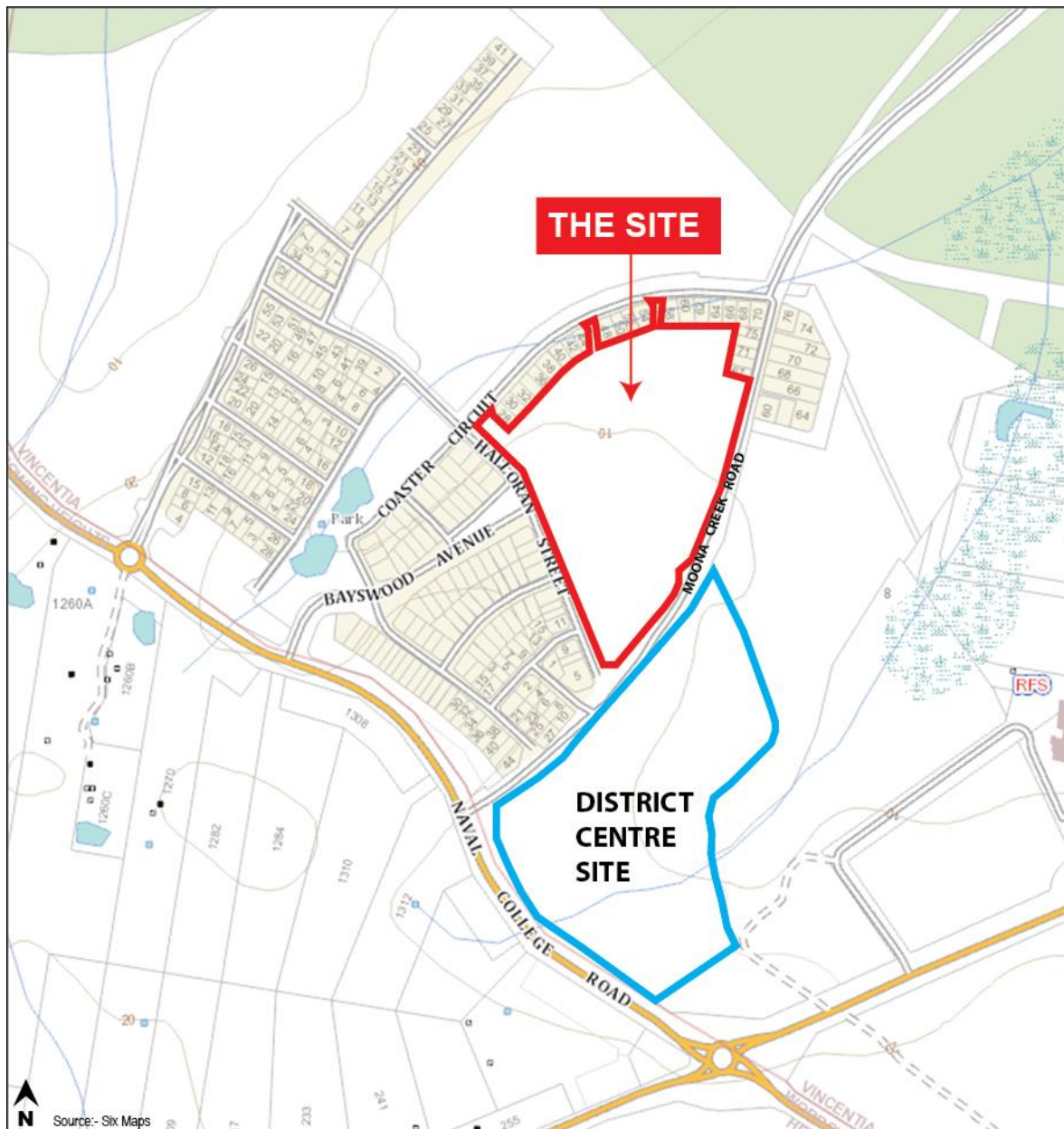


Figure 1 – Subject site

The retirement living site was originally intended to be developed by Stockland. The new owners (Wakefield Ashurst Developments Pty Limited) intend to construct the residential subdivision approved under Project Approval (MP06_0058) on 21 January 2007.

However, since the approval of the residential subdivision under Project Approval MP06_0058, there have been some changes external to the site that affects the approved subdivision layout. Most notably, the original subdivision layout along Coaster Circuit was adjusted to accommodate the approved retirement living layout resulting in the replacement of connecting roads with two fingers of open space to achieve pedestrian permeability. These previous adjustments to the subdivision layout necessitate this amendment. In addition, there are other changes proposed to the road layout including the removal of laneways.

3.0 Description of Proposed Modification

The main changes to the proposed subdivision are:

- A reduction in the total number of lots within the boundaries of Lot 6002 from 126 lots to 116 lots; and
- Amended road layout including the removal of the laneways.

A plan of the proposed subdivision layout is attached at **Attachment 1**.

The proposed modifications and the reason for the modification are set out in Tables 1 and 2 below.

Table 1: Proposed Amendments to Concept Plan approval MP06_0060

PROPOSED MODIFICATION	REASON
Amend <i>Part A – Schedule 1 – A1 Table 1</i> to change the Approval in Summary in the Table <ul style="list-style-type: none"> • From: a 614 lot residential subdivision • To: a 604 lot residential subdivision 	To reflect the reduced lot yield now proposed.
Amend <i>Part A – Schedule 1 – A2 Approval in Detail</i> to change the number of residential lots in A2(1)(a) from 614 to 604	To reflect the reduced lot yield now proposed.
Amend <i>Part A – Schedule 1 A3 – Development in Accordance with Plans and Documentation</i> to update subclause (1) to reference to this letter.	To update documentation references.

Table 2: Proposed Amendments to Project approval MP06_0058

PROPOSED MODIFICATION	REASON
Amend <i>Part A – Schedule 3 – Project Application – A1 Table 1</i> to change the Approval in Summary in the Table <ul style="list-style-type: none"> • From: a 614 lot residential subdivision • To: a 604 lot residential subdivision 	To reflect the reduced lot yield now proposed.
Amend <i>Part A – Schedule 3 – Project Application – A2 Approval in Detail</i> to change the number of residential lots in A2(a) from 614 to 604 residential lots.	To reflect the reduced lot yield now proposed.
Amend <i>Part A – Schedule 3 – Project Application A3 – Development in Accordance with Plans and Documentation</i> to update subclause (2)(a) to reference to this letter.	To update documentation references.
Amended <i>Part A – Schedule 4 – Project Application – Conditions to the Project Application, Condition A1 Residue Land</i> to change the number of residential lots from 614 to 604 lots.	To reflect the reduced lot yield now proposed.

There are no changes to the Statement of Commitments proposed as part of this Modification.

4.0 Bush Fire Assessment

The Bushfire Protection Assessment dated 2006 prepared by Bushfire Environmental Services as part of the original Project approval identified the Asset Protection Zones (APZs) and Bushfire Attack Level (BALs) required for the entire residential subdivision. That report is now out of date.

A more recent Bushfire Protection Assessment was prepared by Eco Logical dated 29 May 2013. This report was submitted as part of Modification No. 14 being a modification that created four superlots including Lot 6002 (the subject of this Modification). A copy of the 2013 Bushfire

Protection Assessment is attached at **Attachment 3**. This assessment was prepared in accordance with Section 100B of the Rural Fires Act 1997, Clause 44 of the Rural Fires Regulation 2008, and 'Planning for Bush Fire Protection 2006' (RFS 2006)'.

Table 1 of the report (page 5) sets out the APZs required for Lot 6002 and is reproduced below.

Table 1: Threat assessment, APZ and category of bushfire attack

DIRECTION FROM EVELOPE	SLOPE ¹	VEGETATION ²	PBP REQUIRED APZ ³	PROPOSED APZ	COMMENT
Proposed Lot 6002					
North	0-5° downslope	Forest	25m	50m	APZ provided within lots immediately to the north and Summercloud Cres roadway. This APZ exceeds that required for this subdivision. Refer to Section 3.1 below for comment on existing APZ arrangements.
East	0-5° downslope	Tall heath	15m	30m	APZ provided within Moona Creek Road roadway and drainage infrastructure. This APZ exceeds that required for this subdivision. Refer to Section 3.1 below for comment on existing APZ arrangements.
All other directions	Managed Lands				

The required APZ east of Lot 6002 is 15m and is more than catered for by the 25m wide road reserve of Moona Creek Road plus drainage infrastructure along the eastern side of Moona Creek Road.

The required APZ north of Lot 6002 is 25m and is contained within the Coaster Circuit roadway and front setback of the lots already created along Coaster Circuit. The APZ does not extend into Lot 6002.

Modification A3 - Bushfire Protection (as contained in Schedule 2 – Modifications to the Concept Plan (MP 06_060)) requires the Proponent to demonstrate compliance with the Planning for Bushfire Protection. In order to comply with this condition the bushfire protection measures can be reviewed as part of the DAs or complying development certificates to confirm which, if any, lots will require a Bushfire Attack Level (BAL) to be applied to the future houses. Determining the need for a BAL and the necessary BAL rating at the time of an application for a future house is the most appropriate timing as the BALs can have regard to the surrounding vegetation context at that point in time.

5.0 Consistency with the Concept Plan and Project Approvals

An overlay of the original layout approved under the Concept Plan and Project Approvals and the proposed layout the subject of this Modification is provided at Attachment 2.

Attachment 2 illustrates the differences between the approved and proposed layouts. In our opinion the proposed modification retains consistency with the original approvals as follows:

- Bayswood Avenue is retained in its original location and design with a carriageway separated by a central landscaped median. The road maintains its function as a spine or 'ridge' road consistent with the original design intent for the subdivision and the remainder of the constructed Bayswood Avenue.
- The open space at the western (top) end of Bayswood Avenue is retained as per the original layout. The open space retains the perimeter roads.
- A grid pattern is retained with internal roads feeding off Bayswood Avenue.
- The open space fingers from Coaster Circuit are retained and continued through to the proposed internal road to provide pedestrian connectivity and permeability.
- Product mix (i.e. lot diversity) is retained providing a mix of lots widths as per the original approval. The Product Diversity Plan of the original approval illustrated a range of lot widths including bushland lots (17.5m wide), traditional lots (15m wide), village lots (13.5m) and village homes (narrower unspecified width). The proposed amendment includes a mix of all these lot typologies ranging from lots with a width of 10m to lots with a width of greater than 20m. The proposed layout also achieves a generally scattered approach to their distribution (as per the original Product Diversity Plan) but with a greater number of narrower product lots (village homes) closest to the shopping centre.
- The rear lanes on the eastern part of the site have been replaced with a conventional road with a road reserve of 16m. However, the original intent for rear loaded lots is retained ensuring that future houses have their frontage to Moona Creek Road with vehicle access from the rear. This avoids traffic conflicts with multiple driveway crossing to Moona Creek Road associated with main thoroughfare to the District Centre and the roundabout providing access into the District Centre and its loading areas.

6.0 Consultation with Council

DFP has contacted Shoalhaven City Council. The nature of the proposed modification has been explained in a telephone conversation with Cathy Bern, Section Manager – Development. Council does not wish to review an advanced copy of the proposed modification and is happy to review the application when it is referred to Council as part of the Department's standard notification procedures.

7.0 Summary and Conclusion

This proposed modification to the Concept Plan and Project approvals is submitted in accordance with the now repealed provisions of section 75W of the Act to request that the Minister modify Concept Plan Approval (MP 06_0060) and the Project Approval (MP06_0058).

The proposed modifications are considered to retain consistency with the original approvals.



We therefore recommend that the respective Approvals are amended as set out in this letter. Should you have any questions in relation to this application please do not hesitate to contact David Kettle on 9980 6933.

Yours faithfully

DFP PLANNING PTY LIMITED

A handwritten signature in black ink, appearing to read 'D. Kettle', written over a horizontal line.

DAVID KETTLE
DIRECTOR

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Reviewed: _____

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- Attachment 1 Modified subdivision layout
- Attachment 2 Comparison of the Approved and Modified Subdivision Layouts
- Attachment 3 Bushfire Protection Assessment prepared by Eco Logical dated 29 May 2013