



23 April 2010
Our Ref: 6376B.20DK

The Director-General
Department of Planning
GPO Box 39
Sydney 2000

Attention: Emma Barnet

Dear Emma,

**Section 75W Modification of Project Approval (MP06_0058)
Residential Development, Vincentia**

We refer to our meeting on Tuesday 6 April 2010 regarding proposed modifications to the approved subdivision layout in the western precinct of the subdivision at Vincentia.

At that meeting we discussed two potential s75W modifications:

1. A modification to the Village West layout, including the provision of additional lots in the Low Density Residential R2 zoned land along Naval College Road that did not form part of the approved subdivision layout; and
2. Whether a s.75W modification would be required for minor revision to the layout in Stage 5 of the approved Village West layout.

In relation to Item 2 above, we note your email advice of 12 April 2010 in which the Department of Planning has advised that the onus is on the proponent to decide whether the project as modified, would be consistent with the existing approval. The Department was therefore unable to offer an opinion as to whether a s.75W modification would be necessary.

In order to avoid further delay for the issue of a construction certificate for Stage 5 and to provide certainty, Stockland has decided to apply for a s.75W modification for the proposed amended layout of Stage 5.

The purpose of this letter is therefore to formally apply to the Department of Planning for an amendment to the above Project Approval in accordance with the provisions of Section 75W of the Environmental Planning & Assessment Act (the Act) in respect of the subdivision layout for Stage 5 in the western village (Item 2 above).

A separate s.75W modification will be submitted for Item 1 relating to the overall western village once specialist reports and plans are finalised.

1.0 Background

A combined Concept Plan and Project application was approved by the Minister for Planning in January 2007, and has been modified under Section 75W on a number of occasions. The Project approval was last modified on 11 December 2009.

This s.75W modification proposes to modify the Project approval (MP 06_0058). The application form is attached to this letter at **Attachment 1**.



2.0 Subject Site

The land to which the Project application applies includes:

- Lot 801 DP 1022286
- Lot 802 DP1022286
- Lot 72 DP 874040
- Lot 73 DP 874040
- Lot 74 DP 874040
- Lot 75 DP 874040

The land has been further subdivided as development of the early stages has progressed. The land to which the s.75W relates is now known as Lot 191 DP 1138189.

Land owner's consent to the lodgement of the s.75W application is provided on the application form at **Attachment 1**.

3.0 Proposed Modification to Project Approval

The proposed modification is to adjust the lot layout in part of Stage 5 of the Western Village. Stockland will obtain two construction certificates for the Stage 5 area indicated on the approved staging plan. The modification relates to the first component of Stage 5. The boundary to which the s.75W modification applies therefore aligns with roads to be constructed as part of this first component of Stage 5.

A copy of the proposed subdivision layout superimposed on the approved subdivision layout is provided at **Attachment 2**. The superimposed layout illustrates the minor extent of the modification which entails the following:

- reduction in total number of lots within the subject area from 30 approved lots to 29 proposed lots;
- minor adjustments to lots sizes slightly increasing the lot width and size of some of the smaller allotments; and
- realigning the road layout, but retaining the approved road layout and structure (i.e. spine road and grid pattern).

4.0 Consistency with Project Approval

The proposed modification is considered to be consistent with the Project approval for the following reasons:

1. The road layout is consistent with the approval with the principle of the ridge road and perpendicular roads leading off this ridge road being retained.
2. The roads widths are consistent with the approval and maintain the approved road hierarchy established in the Concept Plan and Project approvals.
3. The number of proposed lots within this component of Stage 5 is 1 lot less than approved, therefore there are no ramifications for latter stages ensuring the remainder of the development can comply with the approved 607 lots (as modified 11 December 2009).
4. The lot sizes have altered only marginally.



5. The modified layout maintains product diversity consistent with the objective of providing a variety of lot widths (noting that product diversity was based on lot width not site area).
6. Water sensitive urban design measures can still be implemented consistent with the terms of the approval.
7. Amendments to the statements of commitment are, in our opinion, not warranted for the adjusted layout.

The modified layout is therefore considered to be consistent with the Project approval.

As noted in Section 1.0, a further s.75W modification is being prepared for the overall layout of the Western Village. This further modification will align with this smaller amendment for Stage 5, therefore future stages of the subdivision will marry in with this smaller modification.

5.0 Environmental Assessment

Environmental considerations such as ecology, bushfire impacts, streetscape, traffic, utilities and servicing, economic impacts, social impacts and archaeology are not affected by the proposed modification.

We note there is a slightly larger road reserve along the east-west collector road in the approved layout located in front of proposed Lots 501 to 504. The slight realignment of the collector road will shift the road location into this previously proposed verge. We note that this is shown as a tree retention zone on the Building Setbacks Plan. However, the Building Setbacks Plan contains a notation which states that *"the zones and setbacks shown on this plan are indicative and will be confirmed upon registration of the linen plan on a staged basis. An arborist report [that] will confirm the ultimate tree retention zone locations. The 'Building Setbacks Plan' is intended as a framework for cohesive streetscape, with sufficient flexibility as consistent with a casual coastal bushland character."*

The tree retention zone would have been subject to further investigation in any event. We also note that in both the approved and proposed subdivision plan, there are 4 lots that would have vehicular access across this road reserve (including the corner lot). Therefore four driveway crossings would have been constructed under the approved plan which would have reduced the extent of trees capable of being retained. The driveway crossing outcome is unchanged in the amended layout.

6.0 Summary and Conclusion

The proposed modification to the Project approval is submitted in accordance with Section 75W of the Act. The modification is to make minor adjustments to the subdivision layout in part of Stage 5 including modified road alignment, lot layout and lot sizes.

The proposed modification is considered to be consistent with the approved Project and does not give rise to adverse environmental impacts.

We understand that the fee required to make this application is \$750 and will be forwarded under separate cover.



Should you have any questions in relation to this application please do not hesitate to contact David Kettle on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LIMITED

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

DAVID KETTLE
SENIOR TOWN PLANNER

dkettle@donfoxplanning.com.au

A handwritten signature in black ink, reading 'Katin Sheppard', written over a horizontal line.

Reviewed: _____

Encl.

Attachment 1. Application form

Attachment 2. Amended subdivision layout for Stage 5



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ATTACHMENT I

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

ABN

Stockland Development Pty Ltd

ACN 000 181 733

☐ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Alex

Family name

Maffi

Position

Assistant Development Manager

STREET ADDRESS

Unit/street no.

133

Street name

Castlereagh Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

Level 25, 133 Castlereagh Street

Suburb or town

Sydney

State

NSW

Postcode

2000

Daytime telephone

9035 3155

Fax

8988 3155

Mobile

0434 183 855

Email

alex.maffi@stockland.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Cnr The Wool Road & Naval College Road

Suburb, town or locality

Postcode

Vincentia

2450

Local government area(s)

State Electorate(s)

Shoalhaven City Council

South Coast

REAL PROPERTY DESCRIPTION

Lot 191 DP 1138189

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Project Approval for a 604 lot residential subdivision and district centre.

What was the original project application no.?

MP 06_0058

What was the date of the approval?

25 January 2007

What was the original application fee?

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

Modificaion to the approved subdivision layout in part of Stage 5 in the Western Village.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

Nil

Operational jobs (FTE)

Nil

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Signature



Name

ALEX MAFFEI

Date

23/04/10.

Land

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☐ Yes

☒ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

ALEX MAFFEI

Date

23/04/10.

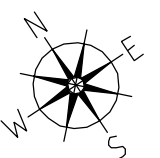
In what capacity are you signing if you are not the proponent

Name, if you are not the proponent



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ATTACHMENT 2



PROPOSED STAGE 5



278 KEIRA STREET, WOLLONGONG, NSW 2500
Ph: (02) 4228 4133 Facsimile: (02) 4228 6811 ACN 003 936 981
This drawing is subject to COPYRIGHT. It remains the property of Forbes Rigby Pty Ltd

PROJECT TITLE

VINCENTIA COASTAL VILLAGE
AND DISTRICT CENTRE
for
STOCKLAND DEVELOPMENTS PTY LTD

DRAWING TITLE	BAYSWOOD PROPOSED STAGE 5
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Project No.	Com No.	Drawing No.	REV
104016	500	500007	0