

Environmental Planning and Assessment Act 1979

Determination of Major Project Application No. 06_0025

(File No. S06/00424)

PROJECT APPLICATION FOR

VINCENTIA DISTRICT TOWN CENTRE, STAGE 1

I, the Minister for Planning, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, determine the Major Project No. 06_0025 referred to in the attached Schedule 1, by granting approval subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure the orderly development of Stage 1 of the Vincentia District Town Centre,
- (2) To mitigate and manage environmental impacts of the development, and
- (3) To ensure the ongoing effective management of the development and associated impacts.

The Hon. Kristina Keneally MP
Minister for Planning

Sydney,

2009

Schedule 1

Part A – Table

Application made by:	Stockland Developments Pty Limited
Application made to:	Minister for Planning
Major Project Number:	06_0025
On land comprising:	Lot 802 DP 1022286, Lot 73 DP 874040
Local Government Area:	Shoalhaven City Council
For the carrying out of:	Stage 1 of the Vincentia District Town Centre
Capital Investment Value	\$36 million
Type of development:	Project approval under Part 3A of the Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval is liable to lapse:	10 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act

Part B – Definitions

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979*

Council means Shoalhaven City Council

Department means the Department of Planning or its successors

Director-General means the Director-General of the Department

Environmental Assessment means the document titled *Environmental Assessment Report – Proposed Vincentia District Town Centre – Stage 1* prepared by Don Fox Planning dated 22 April 2008

Major Project No. 06_0025 means the project described in condition 1.1 of Schedule 2 and accompanying plans and documentation described in condition 1.2 of Schedule 2

Minister means the Minister for Planning

Project means development that is declared under section 75B of the Act to be a project to which Part 3A of the Act applies

Proponent means the person proposing the carry out of development comprising all or part of the project, and includes persons certified by the Minister to be the Proponent

Regulation means the *Environmental Planning and Assessment Regulation 2000*

RTA means the Roads and Traffic Authority of NSW

Statement of Commitments (SoC) means the Statement of Commitments, as they apply to this project, made by the Proponent

Subject Site means the land identified in Part A of this Schedule

Blue type represents April 2009 modification

Schedule 2

Conditions of Approval

1. ADMINISTRATIVE CONDITIONS

Development Description

- 1.1 Project approval is granted for the carrying out of Stage 1 of the Vincentia District Town Centre, comprising:
- (a) site preparation works (including earthworks and vegetation clearing) with the Stage 1 footprint,
 - (b) subdivision to create a 12.24 ha lot upon which the District Centre will be constructed,
 - (c) approximately 14,000m² of floor area, comprising 10,000m² of retail space (including two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets) and 4,000m² of commercial/community space (including a library, centre management, amenities and commercial/community tenancies),
 - (d) fit out and occupation of the Woolworths and Aldi supermarkets,
 - (e) roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas),
 - (f) 683 car parking spaces, two loading docks and trolley storage,
 - (g) provision of infrastructure for water, sewerage, electricity and telecommunications,
 - (h) water sensitive urban design, and
 - (i) associated works.

Development in accordance with Plans and Documentation

- 1.2 The development shall be in accordance with the following plans and documentation (including any recommendations and Statement of Commitments made therein):
- (a) *Environmental Assessment Report – Proposed Vincentia District Town Centre – Stage 1* prepared by Don Fox Planning and dated 22 April 2008, and
 - (b) *Response to Agency and Public Submissions including Revised Statement of Commitments* prepared by Don Fox Planning and dated 10 October 2008.

Inconsistency between Plans and Documentation

- 1.3 In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval will prevail.

Lapsing of Approval

- 1.4 Pursuant to section 75Y of the Act, this project approval will lapse 10 years after the date on which it is granted unless construction work on the project has commenced.

Prescribed Conditions

- 1.5 The proponent shall comply with the prescribed conditions of project approval under section 75J(4) of the Act.

2. GENERAL CONDITIONS

Construction Management Plan

- 2.1 A Construction Management Plan (CMP) is to be prepared as outlined in the Proponent's Statement of Commitments and approved by Council or an accredited certifier prior to the issue of the construction certificate. The CMP must also:
- (a) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna,
 - (b) identify trees (as defined in clause 5 of *Shoalhaven Tree Preservation Order 2004*), including species, condition and remedial works, that will be retained around the perimeter of the site and protected during the construction works,
 - (c) detail the type and quantities of construction waste and include an estimate of the waste materials that will be re-used or recycled,
 - (d) document the strategies used to ensure efficient use of building material and to minimise waste,
 - (e) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris,
 - (f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the "Blue Book",
 - (g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall be in accordance with the RTA's manual – *Traffic Control at Work Site*, and
 - (h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers.

Construction Access Arrangements

- 2.2 Vehicles associated with the construction of the development shall not use the existing Bayswood Avenue and adjacent residential streets for site access. Access to the subject site shall be through the intersection of Moona Creek Road with Naval College Road.

Construction Hours

- 2.3 All construction work shall be restricted to the hours of 7:00am to 6:00pm Monday to Friday, and 8:00am to 3:00pm Saturdays. No construction work shall take place on Sundays or public holidays.
- 2.4 Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage with the prior written approval of the Department.

Site Filling and Disposal

- 2.5 The subject site shall be generally filled according to the plans as shown in Appendix A of Cardno Forbes Rigby P/L report *Supplementary WSUD Study* (dated January 2008) and Appendix 3 to the Environmental Assessment Report (as referred in condition 1.2(a) of this approval) being the architectural plans prepared by Rice Daubney Architects.

2.6 The Proponent shall obtain a certificate from a qualified practising engineer confirming the satisfactory compaction of the filling and the suitability of the subject site for the intended purpose prior to commencement of building works.

2.7 Filling is:

- (a) to generally have a maximum batter of 25% (IV:4H) at any location on the subject site. Variations to this standard to achieve steeper slopes may only be permitted where needed to achieve best practice wetland design for on-site WSUD elements,
- (b) not to encroach onto adjoining land or the Environmental Zone,
- (c) not to cause the diversion of concentrated natural overland stormwater runoff onto adjoining property,
- (d) to be protected against erosion and sedimentation, with measures included in the soil and water management plan, and
- (e) to include adjustment of services (e.g. manholes, inter-allotment drainage etc) in the scope of works.

2.8 All excavated surplus material shall be hauled to an approved landfill site or a site that has an approved DA to receive fill. Details of fill storage and/or disposal and haulage routes shall be submitted to Council or an accredited certifier for approval prior to the commencement of fill disposal works.

Design Requirements

2.9 Final designs for civil works including stormwater and drainage works, roadways, footpaths and pavements shall be approved by Council or an accredited certifier prior to the issue of the construction certificate. These works shall be designed:

- (a) by a qualified practising civil engineer, and
- (b) in accordance with the relevant requirements of Council, Australian Standards and AUSTROADS (Part 13 and 14).

Landscaping

2.10 Landscaping works associated with Stage 1 (as shown in documentation referenced in condition 1.2 of this approval) shall be completed prior to the issue of the occupation certificate for Stage 1 of the District Centre.

2.11 The Proponent shall use local provenance native climbers over the arbour structure to Arbour Walk and is to use plants of local provenance in the landscaping of the remainder of Stage 1 of the District Centre. All species shall be selected with due regard to the Threatened Species Management Plan (prepared for the concept approval and subsequent Commonwealth EPBC referral).

2.12 The landscaping of roundabouts within the subject site shall not obstruct sightlines and shall be designed to avoid branches overhanging the streets and roadways. Roundabouts shall be designed to meet the requirements specified in RTA guidelines.

Footpath/Pathway Construction

2.13 A concrete paved footpath shall be constructed for the full frontage of Halloran Avenue and Moona Creek Road in accordance with the Footpath Location Plan. Engineering design plans shall be submitted to and approved by Council or an accredited certifier prior to commencement of works on the subject site and shall incorporate the following:

- (a) footpath levels shall comply with a 3% crossfall from the boundary to top of kerb,

- (b) the level of the footpath shall match existing footpath levels of adjoining frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section shall be suitably designed,
- (c) kerb pram ramps shall be provided at intersections in accordance with figure 8 of AS1428.1 – 2001 Design for Access and Mobility. Construction standards shall be in accordance with Council's Plan No. G202606A.

Bay and Basin Leisure Centre Access Road

2.14 The Bay and Basin Leisure Centre (BBLC) access road shall be constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 2 of the District Centre. [Note: this project approval does not extend to the design and construction of the BBLC access road.]

Site Access Arrangements

2.15 Access to the District Centre site from The Wool Road (access "D") shall be suitably incorporated into the design of Stage 2 and be constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 2 of the District Centre. [Note: this project approval does not extend to the design and construction of access "D".]

Naval College Road

2.16 The approved road upgrades to Naval College Road shall be constructed prior to occupation of Stage 1 of the District Centre at the Proponent's full cost.

Pedestrian/Cycleway Underpass

~~**2.17** If Council is willing to pay the 50% contribution for the pedestrian/cycleway underpass or this contribution can be recouped from a lawful source, then the underpass shall be constructed prior to occupation of Stage 1 of the District Centre in conjunction with the approved road upgrades to Naval College Road. The design of the underpass shall suitably incorporate urban design measures to maximise safety and accessibility for users, and maximise integration into adjoining pedestrian/cycleway networks.~~

~~**2.18** In the event that Shoalhaven Council cannot fund the 50% contribution from a lawful source for the pedestrian/cycleway underpass, the Proponent shall provide an alternative at grade pedestrian crossing (such as a refuge island or zebra crossing) at the Proponent's expense and the design and location of the crossing shall be determined in consultation with Council and the Sydney Anglican Schools Corporation.~~

2.19 Within one year of the issue of the occupation certificate, the Proponent shall audit bicycle demand at the District Centre to determine if additional bicycle spaces are required. Should this audit identify that additional spaces be required, the Proponent shall provide the nominated additional spaces within three months from the date of completing this audit.

Street Lighting

2.20 Street lighting is to be installed in accordance with relevant Australian Standards.

Internal Driveway and Car Parking

2.21 The final design of the internal driveway and car parking areas must comply with the relevant Australian Standards for parking facilities and must incorporate the following design features:

- (a) speed humps (where required to ensure cars travel at slower speeds),
- (b) one-way flow in the eastern-most car park aisle of the northern car park,
- (c) give way signs and hold lines at internal intersections,

- (d) low height planting in landscaped islands of end aisles,
- (e) pram and disabled ramp access,
- (f) external pole lighting directed to the ground (to avoid light spill into adjoining residential areas and Environmental Zone), and
- (g) bordered by concrete kerbing, except where surface water run-off is concentrated in which case concrete kerb and gutter shall be constructed. The work shall comply with Council's Plan No. SC 263710.

2.22 Car parks shall be constructed, line marked and signposted in accordance with Council's *Development Control Plan 18 – Parking Guidelines*. Car park dimensions shall be in accordance with minimum class requirements as referenced in table 1.1 of AS2890.1.

Disabled Car Parking Spaces

2.23 Disabled car parking spaces are to be located close to the entry points to the District Centre and comply with the relevant Australian Standards.

Parking for Trailers/Caravans

2.24 A minimum of 4 car and trailer car parking spaces are to be provided along the edge of the southern temporary car parking area for Stage 1 of the District Centre. These shall be suitably incorporated into the design of the Stage 2 car parking area.

Pick-up/Drop-off in Car Parks

2.25 A minimum of 2 car parking bays within the southern (temporary) car park are to be suitably labelled and identified as short stay pick-up/drop-off car parking bays. These shall be suitably incorporated into the design of the Stage 2 car parking area.

Loading Docks

2.26 The loading docks are to be designed to cater for 19 metre semi-trailers.

Dedication of Roads, Pathways and Reserves

2.27 All proposed external roads, pedestrian paths, cycleways and road reserves are to be dedicated to Council at no cost.

Water Quality and Sedimentation Pond

2.28 A suitably qualified and experienced wetland specialist or stormwater engineer shall be engaged by the Proponent prior to the commencement of works to certify that the sedimentation pond and wetlands are adequately designed to remove stormwater pollutants to satisfy the ANZECC criteria and minimise on-going environmental costs associated with maintenance of the wetland system.

2.29 The sedimentation basin walls and floor are to be stabilised during and post-construction. The method of stabilising the basin walls and floor is to be detailed in the soil and water management plan to be submitted for approval by Council or an accredited certifier prior to the issue of the construction certificate.

2.30 An entomologist is to review the design of the wetlands to determine if the design lends itself to mosquito breeding, including climate change implications. Should this review identify measures to mitigate mosquito breeding, these shall be suitably incorporated into the detailed design of the wetlands prior to the issue of the construction certificate.

Wetlands Maintenance and Management Manual

2.31 A wetlands maintenance and management manual shall be prepared prior to occupation of Stage 1 of the District Centre to ensure regular monitoring of sediment quality and the safe handling and removal of sediments from the sedimentation pond and wetlands.

Rainwater storage tanks

2.32 The Proponent shall re-assess the demand and level of water re-use after the first year of operation/building occupancy of Stage 1 of the District Centre using data collected by the centralised Building Management System or other relevant sources. Should this review identify demand has increased, the Proponent shall assess the feasibility of installing additional rainwater storage tanks in Stage 1 or be suitably incorporated into the design of Stage 2 of the District Centre.

Noise Mitigation

2.33 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.

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.

Environmental Zone

2.34 A temporary fence shall be installed along the boundary of the Environmental Zone and the District Centre which will be designed to prevent access into the Environmental Zone until such time as the permanent habitat fence is constructed.

Architectural Roof Features

2.35 Any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by an architectural roof feature shall be fully integrated into the design of the roof feature.

2.36 Architectural roof features shall:

- (a) comprise of a decorative element on the uppermost part of the buildings,
- (b) not include advertising structures,
- (c) not include floor space and not be reasonably capable of modification to include floor space,
- (d) cause minimal overshadowing.

Installation of Root Barriers

2.37 Root barriers shall be placed between trees and civil infrastructure to protect above or below ground civil infrastructure where deemed appropriate given consideration of the tree species and potential for damage:

- (a) barriers are to be placed between trees and civil infrastructure (as close as possible to the infrastructure) and extend horizontally a minimum distances of half the mature tree drip line and from the surface a minimum of 1.0 metres deep depending on mature root system,
- (b) where rock is encountered within the depth of the proposed planting's root bowl, the rock should be removed to a suitable depth for the proposed planting or substituted with an alternative, more suitable species,

- (c) root barriers may be obtained from any manufacturer and must be equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment.

Damage to Public Assets

- 2.38** The Proponent shall repair any damage to adjacent kerbs, gutters, footpaths, walkways, carriageways, reserves and the like, that occurs during development works. The Proponent shall undertake a site inspection and document any evidence of damage to public assets prior to commencement of works on the subject site. Failure to adequately identify any existing damage will result in all damage detected by Council after completion of the building works to be repaired at the Proponent's expense.

Easements

- 2.39** Copies of any instruments under sections 88B or 88E of the *Conveyancing Act 1919* for the proposed District Centre allotment are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, rights of way created or affected by this development, prior to the occupation of Stage 1 of the District Centre.

Requirements of Public Authorities for Connection to Services

- 2.40** The Proponent shall comply with the requirements of any utility service providers (e.g. Integral Energy, Transgrid, Shoalhaven Water, Telstra etc) in regard to the connection to, relocation and augmentation of the services affected by the construction of Stage 1 of the District Centre. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent, unless otherwise agreed.
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