

ENVIRONMENTAL ASSESSMENT

Modification of Project Application

Vincentia District Centre

for Fabcot Pty Ltd

September 2010

209.058.33

[ACN 100 209 265 / ABN 90 100 209 265](#)

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TOWN PLANNING
AND URBAN DESIGN

SYDNEY OFFICE

Suite 304, 21 Berry Street PO Box 1612 Telephone +61 2 9925 0444 The Planning Group NSW Pty Ltd
North Sydney NSW 2060 North Sydney NSW 2059 Facsimile +61 2 9925 0055 ABN 90 100 209 265

www.tpgnsw.com.au

Environmental Assessment
Vincentia District Centre Part 3A Modification

Submission of Environmental Assessment (EA)

Prepared under Part 3A of the *Environmental Planning and Assessment Act (EP&A Act) 1979*.


| | |
|---|--|
| EA prepared by | |
| Name | Marian Higgins |
| Qualifications | Bachelor of Town Planning (UNSW) Masters of Environmental and Local Government Law (Mac Uni) |
| Address | The Planning Group (NSW) Pty Ltd PO Box 1612, North Sydney 2059. |
| Project to which Part 3A applies | MP 06_0205 (Mod2) |
| Proponent name | Fabcot Pty Limited |
| Proponent address | 1 Woolworths Way, Bella Vista NSW 2153 |
| Land on which the development is to be carried out: address | The Land Area subject of this application is illustrated in Figure 1 . |
| Proposed development | Modification of Project Approval for Vincentia District Town Centre |
| Environmental Assessment | An Environmental Assessment (EA) is attached. |
| Certificate | I certify that I have prepared the contents of this document and to the best of my knowledge: It is in accordance with the requirements of Part 3A, It contains all available information that is relevant to the environmental assessment of the development, and It is true in all material particulars and does not, by its presentation or omission of information, materially mislead. |
| Signature / Name / Date |  Marian Higgins / 14 September 2010 |



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EXECUTIVE SUMMARY

This Environmental Assessment (EA) report has been prepared by The Planning Group NSW Pty Ltd (TPG NSW) on behalf of Fabcot Pty Ltd (Fabcot) which is a wholly owned subsidiary of Woolworths Limited and the proponent for the modification, to request under Section 75W of the *Environmental Planning and Assessment Act, 1979* the modification of MP 06_0205 Project Approval granted for the Vincentia District Centre (VDC) – referred to as Modification 2 throughout this report.

The VDC forms part of a series of approvals for the wider Vincentia Coastal Village (VCV) which is currently being constructed by Stockland. By way of background, Stockland obtained a number of approvals from the Minister for Planning for the VCV including the VDC, and in September 2009 sold the land on which the VDC has been approved to Fabcot.

The approvals granted by the Minister for Planning pursuant to Clause 6 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) and Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) for the VDC involves land at the corner of Naval College Road and Moona Creek Road, Vincentia including a Concept Approval and Project Approval. The site of the VDC is identified as being land described in Part 29 of Schedule 3 of the Major Development SEPP as a project to which.

The Site and Locality

The site upon which the Vincentia District Centre is proposed to be constructed is located within the VCV & VDC site which itself is located approximately two kilometres south west of the existing Vincentia township. The VCV & VDC site is bounded by the Jervis Bay National Park to the west, to the north and to the north-east, the Wool Road to the east and Naval College Road to the south. The VDC site has an area of 12.677ha.

Proposed Modification

In summary, Modification 2 involves the following changes:

- Approval for Stage 1 and Stage 2;
- Revised staging to provide for approximate 22,600 sqm of retail/commercial space in Stage 1 and the balance of the approved space in Stage 2;
- Stage 1 to include a Big W Discount Department Store (DDS), Woolworths supermarket, Aldi supermarket, Dick Smiths, a mini major, approximately 60 specialty stores along with approximately 1,100 sqm of commercial space;
- Stage 2 to include a third supermarket, specialty shops and library; and



- Access to Stage 1 will be via the Moona Creek Road entrance and via Wool Road. The original Stage 1 approval did not include the design and construction of intersection 'D' at Wool Road, this was not required based on the staging at that time. Due to the revised staging approval is now sought for intersections 'D' and 'E' and upgrade of Wool Road.
- It is proposed to construct Stage 1 now for trading by early November 2011 with Stage 2 to follow when economically viable.

Therefore, Modification 2 seeks approval for:

- (a) Site preparation works (including earthworks and vegetation clearing) with Stage 1 and Stage 2,
- (b) Subdivision to create 12.24 ha Lot upon which the Vincentia District Centre will be constructed;
- (c) Stage 1 approximately 22,600m² of gross floor area, comprising 20,880m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail outlets inclusive of kiosks and mini-major retail outlets and 1,720m² of commercial gross floor area (capable of being utilised in as a temporary a library or other community space), centre management and amenities, and Stage 2 approximately 9,400m² of gross floor area, comprising 7,669m² of gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini-major retail outlet) and 1,731m² of gross floor area of community space and amenities) being a total gross floor area for the centre of 32,000m²;
- (d) fit-out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths,
- (e) roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, Wool Road, external road works, footpaths and open space areas),
- (f) Stage 1 - 55 car parking spaces in Moona Creek Road, 1,025 car parking spaces, including 773 permanent parking spaces located in the southern parking area and 197 temporary parking spaces within the northern parking area, and loading docks for the Big W DDS, Woolworths supermarket, Aldi supermarket and specialty shops and trolley storage, Stage 2 – 289 car parking spaces being formalised in the northern car parking area in lieu of the temporary parking spaces and an additional 243 parking spaces in the southern parking area raising the total parking on-site in the completed centre to 1,360 car parking spaces, and loading docks for supermarket 3 and trolley storage,



- (g) provision of infrastructure for water, sewerage, electricity and telecommunications,
- (h) water sensitive urban design, and
- (i) associated works and road works.

Modification 2 of the VDC Project Application relates to the same developable footprint approved as part of the Concept Plan approved for the site.

As confirmed in email from the Department of Planning dated 27 October 2009, based on legal advice the Department had obtained, it was concluded the nature of the changes could be considered under Section 75W of the *Environmental Planning and Assessment Act, 1979* for the proposed modifications to the Project Application. The proposed changes to the VDC as shown in Modification 2 will not radically alter the approved development.

The Proponent has received the Director-General's Environmental Assessment Requirements dated 17 February 2010 for the preparation of this Environmental Assessment (EA) for the modification of the Project Approval. These have been addressed as part of the EA documentation.

The purpose of this EA is to provide a detailed assessment relating to the nature of the changes proposed in Modification 2, and discuss the relevant planning and environmental issues. This EA makes reference to previous Environmental Assessment Reports submitted for the VDC including the original Stage 1 Project Application Environmental Assessment Report prepared by DFP. It also includes a number of new technical investigations to assist in evaluating the benefits of the amended concept plan and project while at the same time managing its impacts.

Methodology

The methodology in the preparation of Modification 2 EA is essentially the same as that undertaken for the original Project Application for the VDC.

The previous Part 3A concept and project applications involved input from a range of disciplines including urban design, ecology, landscape architecture, heritage, engineering, traffic engineering, hydrogeology, economics, social planning, bushfire management, environmental, acoustics and geotechnical assessment.

Modification 2 of the approved Project Application builds on these previous investigations and addresses additional issues pertaining to the proposal including: traffic, architecture and urban design, visual impacts, landscape architecture, acoustics, water quality, lighting, social issues.



Consistency with Concept Plan Approval and Project Application

The Department of Planning and Minister will recall “Modification A4” to Schedule 2 of the Concept Plan approval required Stockland to undertake a design excellence competition for the VDC. The outcome of the design competition was a modified layout and staging for the VDC, however the principal elements of the VDC remain unchanged from the approved Concept Plan. The fully developed VDC as shown in Modification 2 will occupy the same footprint as the Concept Plan, and Stage 1 as approved will and contains a maximum total floor area of 32,000 square metres which will be delivered over two stages in accordance with the original Concept Plan. The two stages will still provide a similar range of retail, commercial and community facilities including a discount department store, supermarkets, library and specialty retail outlets. The car parking layout is slightly modified but maintains at-grade car parking areas to the north and south of the shopping centre and incorporates water sensitive urban design elements.

The original Concept Plan also provided for a fourth stage as surplus sites known as “future development sites” for development such as bulky goods which does not form part of the approved 32,000 square metres floor area of the VDC (refer to the Director-General’s assessment report at **Appendix L**). The layout still provides for the portion of the VDC site at the south-west as “future development sites” in accordance with the Concept Approval.

The key issues and how adverse impacts will be mitigated

The original Concept Plan application submitted by Stockland under Part 3A of the *EP&A Act* addressed in detail a range of environmental issues including flora and fauna, hydrogeology, social planning, environmental acoustics, geotechnical assessment and heritage.

The original Project Application included a number of additional technical studies.

Modification 2 to the Project Approval is submitted in the context of the DoP’s Director-General’s environmental assessment requirements for the current application and the original Concept and Project Application Approvals issued under Part 3A of the *EP&A Act*.

This EA focuses on the environmental issues that required further investigation for the modified design of the VDC, including:

- water quality and stormwater management,
- visual impacts,
- review of traffic implications,
- review of landscape issues and social impact issues, and
- review of acoustic impacts to the adjoining future residential subdivision.



Traffic Impacts

Traffic impacts and traffic infrastructure provision has been reassessed in light of the revised Stage 1 proposal and overall completion of Stages 1 and 2. The same traffic generation estimates applied for the overall approved floor space of 32,000 square metres under the approved Concept Plan, and therefore Halcrow (formerly MWT) have revised their assessment to enable coordination with previously approved infrastructure requirements.

The result of the traffic analysis is that Stage 1 of the VDC will now generate the same amount of traffic as that of the Stage 2 of the approved Concept Plan (Design Competition) scheme. The staging of road infrastructure reflected in the approved Statements of Commitments has therefore been reviewed by Halcrow and comments appear in the revised report which can be found at **Appendix K**. The concept design for Intersections D, E and the access road into the Bay and basin Leisure Centre can be found within **Appendix E** drawings by Cardno.

Parking provision, access and loading provision have all been accommodated in accordance with Shoalhaven Council's requirements. Parking has also been provided in Moona Creek Road along with 2 bus bays and taxi bays. Pedestrian and cycleway connections are provided to and within the VDC.

Urban Design, Streetscape and Public Domain

The core urban design attributes of the VDC have largely been established through the design excellence competition process. The design developed by Rice Daubney is based on the "building in the bush" typology which includes a limited palette of lightweight and largely raw materials and low scale single and two storey buildings with elevated roof structures which respond to the topography.

The core building elements containing the supermarkets will be flanked and disguised by single and two storey verandah forms containing specialty shops and commercial tenancies. These define the built form along the Moona Creek Road streetscape creating a scale consistent with the likely scale of future residential on the western side of Moona Creek Road. These lower scale shop fronts also define the main internal public domain spaces being Arbour Walk, Canopy Walk and Boardwalk.

The VDC frontage to Moona Creek Road together with Moona Creek Road's function as a main arrival point will sufficiently activate the VDC frontage to the street without introducing land uses or a level of activity that would conflict with the residential uses on the western side of Moona Creek Road.



Visual Impacts

The low scale of buildings themselves will assist in minimising visual impacts. Existing and proposed landscaping will tie the District Centre in with the surrounding vegetation.

The street tree planting along Moona Creek Road will provide a strong landscape theme to assist in integrating the commercial/retail uses and residential uses on either side of Moona Creek Road.

The use of 'raw' materials including metal cladding, weathered and raw timber, prefinished steelwork, louvres and metal screens, stretched canvas and stone walls will reduce visual impacts and improve the visual experience of the District Centre.

Sustainability

Fabcot is committed to a strong sustainability strategy aimed at establishing a high sustainability benchmark for the District Centre. Fabcot has engaged Strategic Paradigm and an ESD Statement can be found at **Appendix Q**.

Water Quality

WSUD measures central to the high standard of water quality outcomes of the Concept Plan application have been applied to the modified District Centre layout. WSUD elements such as bioswales which collect surface water run-off which is then directed to a 3-tier wetland system provide a high level of water treatment. The water quality performance of the modified WSUD design has been tested by constructing a new Model for Urban Stormwater Improvement Conceptualisation (MUSIC).

The MUSIC model has confirmed that the proposed design is highly consistent with the previously approved WSUD strategy, and achieves an outcome of expected pollutant loads at the same level or a reduced level to the current conditions. To ensure the on-going success of the WSUD element and water quality, construction phase and post construction-phase water quality monitoring is proposed. A sediment and erosion control plan has also been prepared which sets out the order of works to control sediment and erosion. This involves constructing the wetland and ponds to act as a temporary basin during construction.

Acoustic Impacts

A revised noise report has been prepared by Heggies which can be found at **Appendix H**. Heggies have advised in relation to the matters raised:

The nearest receivers are located adjacent to and west of Moona Creek Road. These are part of the Stockland residential development. The nearest existing receiver is west of the Moona Creek Road and Naval College intersection, being approximately 45 m from the intersection.

Heggies report 10-3015-R3 has been updated to reflect the retirement living has been approved. It is also noted that there is a separate noise assessment for the Retirement Living Village and the Director-General's Environment Assessment Report recognises the Proponent has committed to an acoustic wall to mitigate noise from traffic.



The nearest dwellings to the DDS, being adjacent to and west of Moona Creek Road have been included in the assessment.

Appendix A of report 10-3015-R3 is the 'Acoustic Terminology used in the Report. It is assumed the matter refers to the Site Plan of Appendix B, which has been updated.

Project Application MP08_0096 for the Bayswater Retirement Village is not proposed to be modified by this Modification. It is noted that a condition was imposed on this Project Application approval which requires a Section 88B Instrument over the Bayswater Retirement Village site. Stockland are implementing those conditions as part of their development and have advised via email dated 15 June 2010: Retirement living project approval has been granted. Location is directly north of Stage 2 as per the plan attached. Yes, the acoustic treatments on the affected lots have been included in the Stage 2 88b.

The issue of the adjoining property has been detailed at page 20 of the Director-General's Environmental Assessment report dated January 2009 advises in relation to noise:

The Proponent has identified several exceedances of the LAeq noise criteria generated from the proposed Vincentia District Town Centre during the day and night time periods. This is largely attributable to noise generated from traffic entering and exiting the northern access to the proposed District Centre. To mitigate these impacts, the Proponent commits to the provision of an acoustic wall (approximately 1.8 metres in height) along the Moona Creek Road frontage to be constructed from the south-west corner of the RLV site terminating north of the roundabout with Moona Creek Road and south of ILU 75 (SoC item 37).

In its assessment of the project application, the Department sought clarification of the likely reduction in noise levels that would be achieved through provision of the acoustic wall. In response, the Proponent confirmed that the noise reduction will be in the order of 6dBA to comply with the noise criteria. In order to ensure the noise impacts to dwelling is minimised upfront, a condition of approval is recommended to ensure the noise wall is constructed prior to the occupation of the affected dwellings.

Noise impacts specific to the proposed District Centre (mechanical plant and loading docks) are considered as part of the Department's assessment of the project application for Stage 1 of the Vincentia District Town Centre (MP 06_0025).

The Heggies report recommends the same types of mitigation measures for the development during the construction phase and that the development when operation will have similar impacts as that assessed previously for the overall development.

In addition Heggies have prepared a lighting statement which indicates the detail design should include a number of recommendations to ensure light spill is directed away from the sensitive areas such as the environmental zone and nearby residential areas, refer to **Appendix G**. However as the design does not include all the details associated with lighting, the recommendations of the report have been incorporated into the Draft Statement of Commitments.

Therefore, it has been demonstrated that the proposed project as modified will not create unacceptable impacts from noise (including traffic and plant noise) and light spill (including impacts on flora and fauna) during the construction and operational phases of the development, subject to the recommendations which have been included in the Draft Statement of Commitments.



Utilities and Infrastructure Provision

A Services and Infrastructure report was prepared with the original Project Application which indicated that the current availability of utilities and augmentation works necessary to service the VDC would need to be augmented. This would also involve extending existing services to provide electricity, telecommunications and water. This report indicated that sewer provision required the completion of the pump station located to the north of the site. Discharge from the VDC will be via a gravity system to the new pump station. The pump station will in turn connect to the Vincentia Wastewater Treatment Plant and Reclaimed Water Management Scheme that can accommodate the additional load.

Adjoining Land

Potential impacts on adjoining land were investigated with the original Project Application and have been reinvestigated. Water quality and quantity can be managed consistent with the performance objectives established as part of the Concept Plan and Project approval such that pollutant loads and discharge of water onto the Environmental Zone does not cause adverse impacts. Erosion and sediment control is proposed to be managed through the implementation of the erosion and sediment control plan prepared by Cardno Forbes Rigby. There are no APZs required for the VDC thereby avoiding the need for fire management within adjoining land. Habitat fencing will control unregulated access into the Environmental Zone whilst still being permeable to flora and fauna.

It is noted that the Director-General's Environmental Assessment report states at page 22:

The Proponent proposes to install bollard lighting around the perimeter of the car parking areas and pole lighting will be placed more centrally within the car parking areas. In this regard, a condition of approval is recommended to ensure that all external pole lighting is directed to the ground. This will avoid light spill to the adjoining Environmental Zone and ensure that there are no unreasonable light impacts on the habitat, particularly for local fauna, and to the future residential areas on the western side of Moona Creek Road.

Furthermore, the landscape treatment in the car parking areas will provide a canopy cover to filter and reduce light spill to adjoining lands. Therefore, it is considered that light impacts have been satisfactorily addressed in the Proponent's EA and the Department's recommended conditions of approval.

Modification 2 does not seek to alter these outcomes.

Potential light spill will be controlled through the placement of lighting with "hoods" within car parking areas and directing light away from the Environmental Zone. Also minimisation of light spill can be achieved with use of low level bollard style lights along the perimeter of the northern car parking area with taller lights removed from the boundary and residential properties on the western side of Moona Creek Road.

Taller lights will be designed to limit the illuminated area to the car park to minimise impact. The landscaping strategy with varying canopy heights will also provide a filtering effect of the taller light poles. Further studies into the spill impacts will be undertaken when lighting fixtures are selected within the VDC.



Consultation

Considerable consultation took place with the Concept Plan and first Project Application. Specific consultation took place with Shoalhaven City Council in relation to the library and Wool Road on 29 March 2010, 8 June 2010 and 23 June 2010.

Director General Requirements

This EA has addressed the Director General's Environmental Assessment Requirements as issued on 17 February 2010. The table below provides a cross reference to the Sections of this EAR where each of the Director General's requirements has been addressed.

Table 1, as follows, identifies the Director General's Environmental Assessment Requirements (DGEARs) provided for the proposed modification and the relevant Sections within the EA where these items been addressed.

Table 1: DGEARs Summary

| Requirement | Reference in EA |
|---|--------------------------------------|
| The Environmental Assessment (EA) for the Modification of the Project Application for MP 06_0205 must include: | |
| 1. an executive summary; | This section |
| 2. a description of the approved project; | Section 3 |
| 3. a detailed description of the proposed modification including the: <ul style="list-style-type: none"> • need for the modification; and • the justification for the proposed modification (including staging) and alternatives considered for each of the components identified; | Section 3 |
| 4. an amended draft Statement of Commitments, outlining commitments to public benefits, environmental management such as surface water management, landscaping and waste minimisation and management, Aboriginal cultural heritage management, mitigation and monitoring measures (with a clear identification of who is responsible for these measures); | Appendix N |
| 5. a conclusion justifying the project, taking into consideration the social and environmental impacts of the proposed modifications and mitigation measures to address these impacts; | Section 3.4, Section 6 and Section 8 |
| 6. requested modifications to existing conditions; | Section 7 and Appendix N |



| Requirement | Reference in EA |
|---|--|
| 7. a signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; and | At beginning of EA. |
| 8. Identify that the development contributions applicable to the site and, if relevant, any draft planning agreement that details any public benefits to be provided with the development, are consistent with any development contributions plans prepared to date. | Section 7 and Appendix N. |
| Key Issues | |
| The EA must address the following key issues: | |
| 1. DGRs for Project Application (06_0205 Mod 2) | |
| 1.1. Address how each component of the original DGRs has been addressed for the following issues: <ul style="list-style-type: none"> • urban design • visual • sustainability • public safety • streetscape and public domain • infrastructure and stormwater | Section 6. |
| 2. Concept Plan | |
| 2.1. Demonstrate full compliance with all aspects of the approved concept plan (06_0060). | Section 3 |
| 3. Traffic Impacts | |
| 3.1. Provide an addendum to the Traffic Report (prepared for the Project Application by Masson Wilson Twiney, January 2008) to take into account any changes to construction and operational traffic as a result of the modified project. | Appendix K |
| 4. Urban Design | |
| 4.1. Demonstrate that the proposed modified siting of buildings does not have an unacceptable level of impact on privacy, views of adjoining neighbours and overshadowing of surrounding areas. | Refer to overlay plan within Appendix B. |
| 4.2. Provide details of the provision of publicly accessible open space and recreational areas as modified. | Section 3, Section 6 and Appendix C. |
| 4.3. Provide details of Gross Floor Area and Net Lettable Area of all components of the modified project. | Refer to section 3 and |



| Requirement | Reference in EA |
|--|---|
| 4.4. Demonstrate how the proposed modified design complies with the design principles (as modified by the recommendations of the Stockland Design Competition Jury Panel Report (undated)) of the winning design (prepared by Rice Daubney, August 2007) of the Design Excellence Competition. | Appendix K |
| 5. Visual Impacts | |
| 5.1. Assess the visual impact of the proposed modification. | Section 6 |
| 6. Social Impacts | |
| 6.1 Address the social context of the development in terms of community services and facilities. | Section 6 and Appendix J |
| 6.2 Provision of community facilities within stage 1 is preferable. Justify the delay of the provision of the library facilities. | |
| 7. Streetscape and Public Domain | |
| 7.1. Discuss any proposed modifications to the landscaping. | Section 6 and Appendix D |
| 7.2. Identify the long term maintenance and management arrangements for the streetscape and public domain. | |
| 8. Noise and Light Impacts | |
| 8.1 Demonstrate that the proposed project as modified will not create unacceptable impacts from noise (including traffic and plant noise) and light spill (including impacts on flora and fauna) and how this will be implemented and maintained during construction and operation. | Section 6 and Appendix H and I |
| 9. Water Quality and Waste Management | |
| 9.1 Update the Soil and Water Management Plan (prepared for the Project Application by Cardno Forbes Rigby, January 2008) to ensure the modified development safeguards the aquatic environment across the entire development footprint and mitigates impacts on water quality (including surface and groundwater). | Section 6 and Appendix F. Appendix P |
| 9.2 Update the Waste Management Plan prepared for the Project Application (Section 6.9) to reflect the modified proposal. | |
| 10. Stormwater and Flooding Management | |
| 10.1 Update the details (including modelling), if necessary, on the drainage and stormwater management measures to be incorporated on site, including (but not limited to) on site stormwater detention and water sensitive urban design measures. Demonstrate that the amended WSUD measures are consistent with the WSUD measures outlined in the approved Concept Plan. | Section 6 and Appendix F. |



| Requirement | Reference in EA |
|--|-----------------|
| 10.2 Assess the cumulative impacts of the modified development in terms of flooding with consideration of climate change. | |
| 11. Adjoining Land | |
| 11.1 Demonstrate that the modified development will not have any adverse impacts on adjoining land (including but not limited to; water quality and quantity, erosion and sedimentation, fire management, fencing and access). | Section 6 |

The following section details the documentation requirements of the DGEARs.

| Documentation Requirement | | Reference in EA |
|---|---|--|
| <i>Plans and Documents of the development</i> | The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required (where relevant) to be submitted for your modification to project application (06_0205 Mod 2) : | |
| | 1. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. | |
| | 2. Description of the proposed modifications. The application must provide: <ul style="list-style-type: none"> • A description of the use, activity or works originally approved under the consent that is the subject of the proposed modification, • A summary in table format of the conditions to be modified, any additional conditions, and the conditions to remain unchanged, • Drawings, plans of management or statements that support the proposed modification. | Section 3 Section 7 and Appendix N Drawings at Appendices B, D and E |
| | 3. An aerial photograph of the subject site with the site boundary superimposed. | Section 1, Figures 1 and 2, Appendix B |
| | 4. The Architectural Concept drawings (where relevant) are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on | Appendix B |



| Documentation Requirement | | Reference in EA |
|----------------------------------|---|------------------------|
| | the land; <ul style="list-style-type: none"> • the floor plans; • communal facilities and servicing points; • the height of the proposed development in relation to the land; • significant level changes; • parking and vehicular access arrangements; • pedestrian access to, through and within the site – with particular regard to public open space. | |
| | 5. Stormwater Management Plan (if amended) – illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided; | Appendices E and F |
| | 6. Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; | Appendix E |
| | 7. Landscape Concept Plan (if amended) – showing planting design and plant/tree species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised including details of, furniture, signage, lighting and surface treatments (i.e. pavers). | Appendix D |
| | 8. Construction Management Plan – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls; | Appendix N |
| <i>Specialist advice</i> | Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising | Section 6 |



| Documentation Requirement | | Reference in EA |
|----------------------------------|---|------------------------|
| | consultants in relation to issues including, but not limited to, the following: <ul style="list-style-type: none"> • Planning; • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulfate Soils. | |
| <i>Documents to be submitted</i> | <ul style="list-style-type: none"> • Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required. • If the Environmental Assessment is bulky, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies. | |
| Electronic Documents | Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:- <ul style="list-style-type: none"> ▪ All files should be approximately 5 Mb. ▪ Large files of more than 5 Mb will need to be broken down and supplied as different files. | |

We support this modification application and recommend its approval by the Minister.

1. SITE AND CONTEXT

The site is located on the south-west corner of Moona Creek Road and Naval College Road (also shown as Jervis Bay Road), Vincentia, which is located some 170 kilometres from the Sydney CBD in a straight line distance.

The site has an area of approximately 12.677 hectares. **Figure 1** indicates the site location.



Figure 1: Site Location Source: Rice Daubney/Google Maps (Site outlined in red)

The site of the VDC is legally described as follows:

- Lot 73 in Deposited Plan No. 874040 (Refer to **Figure 2**); and
- Lot 802 in Deposited Plan No. 1022286.

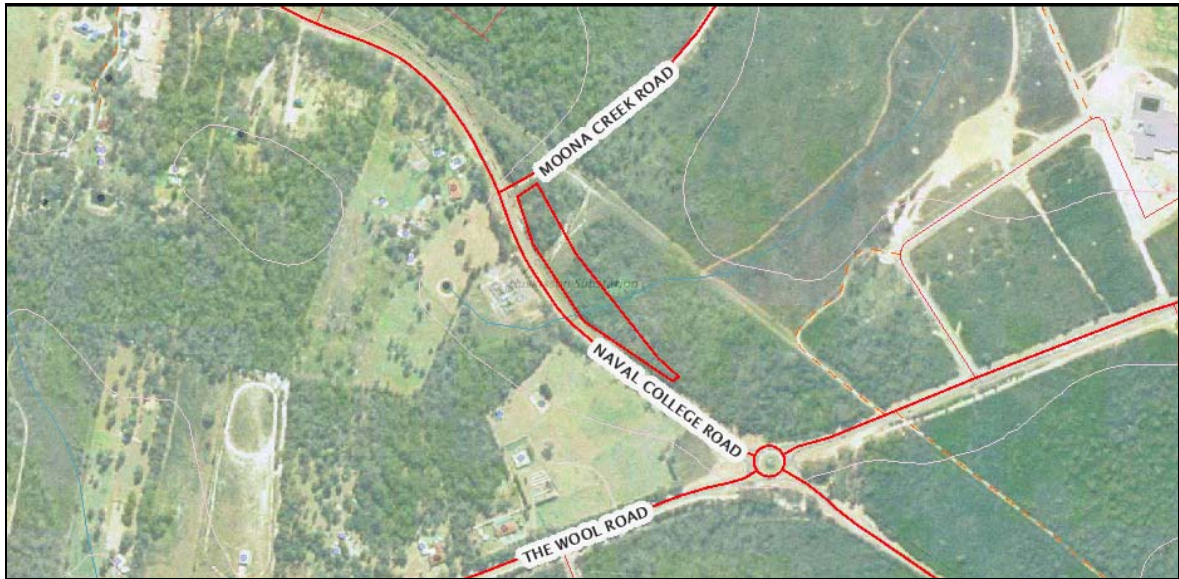


Figure 2: Cadastral Relationship of the Site – Lot 73 in Deposited Plan No. 874040 NTS Source: Department of Lands SIX Viewer

1.1 LOCAL AND REGIONAL CONTEXT

The VCV & DC site is 127 hectares (ha) of land located on the northern intersection of Jervis Bay Road (Naval College Road) and The Wool Road, Vincentia. The site is within the Shoalhaven City Council Local Government Area, approximately half way between Nowra and Ulladulla.

The site is located approximately two kilometres south west of the existing Vincentia Township, and is bound by the Jervis Bay National Park and Jervis Bay National Park Wetlands to the west and north, The Wool Road to the east and Naval College Road to the south. The site upon which the Stage 1 Project Application approval of the District Centre has been granted is located within the VCV & DC and has an area of 12.677 ha.

Figure 3 demonstrates the location of the site relative to its regional context.

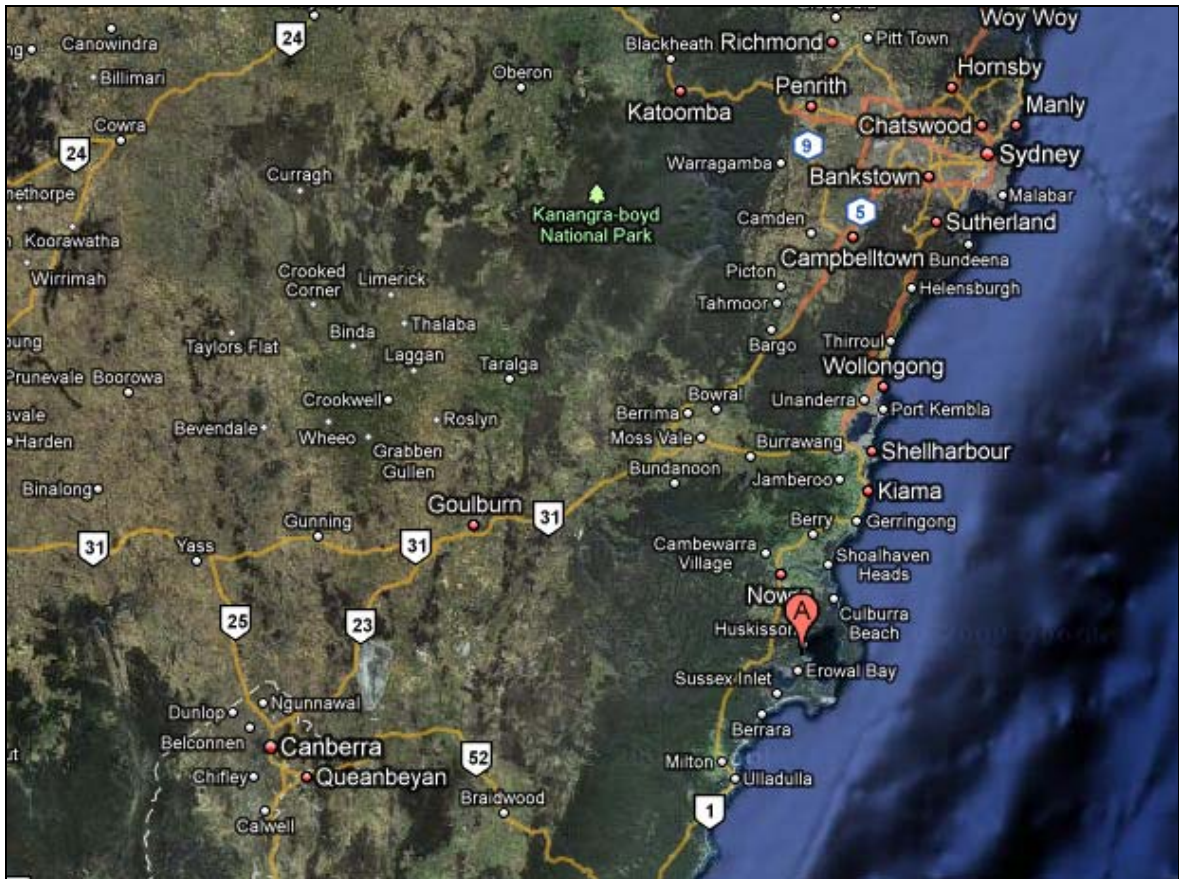


Figure 3: Regional Context of the Site Source: Google Maps (Approximate site location shown by 'A')

1.2 SURROUNDING DEVELOPMENT

As the site is separated from the main township of Vincentia and bound on either side by the Jervis Bay National Park (see **Figure 1**), surrounding land uses are limited, involving mostly rural-residential housing dating back to the middle of the Twentieth Century.

Services and facilities in proximity to the VCV & VDC site include the Vincentia Primary School and Vincentia High School located to the east, the Bay and Basin Leisure Centre which is adjacent to the north east boundary of the site and convenience shopping at Vincentia, Erowal Bay and St Georges Basin.

2. EXISTING APPROVALS

The following is an extract from the Director-General's Environmental Assessment Report dated December 2008, which provides a description of the approval history for the project:

On 25 January 2007, the former Minister granted concept plan approval for the VCV & DC comprising a 604 lot residential subdivision, a residential development for an adaptable housing area, and commercial development being a district town centre and display village.

The former Minister granted concurrent project approval for the residential component of the VCV & DC including a 604 lot residential subdivision, the design of the internal road network, water sensitive urban design elements, open space and associated works.

Subsequent to obtaining approval, the Proponent sought and obtained the approval of the former Commonwealth Department of Environment and Water Resources for the development under sections 18 and 18A (Listed threatened species and ecological communities) of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). This approval reduced the developable footprint from the concept approval and established the Environmental Zone for the site, being the area of land which must be managed in perpetuity to protect listed threatened species, biodiversity and habitat corridor values.

The project application for Stage 1 of the District Centre relates to the same developable footprint approved as part of the concept plan application and subsequent Commonwealth EPBC referral.

On 14 November 2008, State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP) was amended to list the VCV & DC site as a State significant site in Schedule 3 of that Policy.

2.1 HISTORY OF PLANNING APPROVALS

Table 2 provides a brief summary of the approvals granted for the subject site:

Table 2: History of Planning Approvals

| Date: | Planning Approval: |
|-----------------|---|
| 25 January 2007 | Vincentia Coastal Village (VCV) Concept Plan/Project Approval Concept approval (as modified) MP 06_0060 under Part 3A for: <ul style="list-style-type: none"> • 603 lot residential subdivision; • Residential development for an adaptable housing area; • Commercial development (District Town Centre) identifying: <ul style="list-style-type: none"> - Indicative building footprints; - Total floor area of no more than 32,000 square metres (total for both Stage 1 and Stage 2); - A range of uses, including DDS, supermarket, medical centre, child care centre, etc.; - A site (Stage 3) for future retail development (bulky goods); and - Environment protection measures on the remaining land. and Project approval (as modified) MP 06_0058 under Part 3A for 603 lot residential subdivision, 60 hectares of open space area, internal road network and construction and operation of display village for Stage 1 development. |
| 8 October 2007 | Modification 1: Concept Plan and Project Approval Modification 1 |

Environmental Assessment

Vincentia District Centre Project Approval Modification

| Date: | Planning Approval: |
|------------------|--|
| 9 July 2008 | <p>Modification 2:</p> <p>To modify the Concept Plan and Project Application approvals to nominate future dwelling houses relating to the approved residential subdivision component of the Concept Plan approval as complying development for the purposes of the Act.</p> |
| 6 February 2009 | <p>Modification 3:</p> <p>Proposal to modify the project approval to include 3 additional residential lots within the approved development area.</p> |
| 13 February 2009 | <p>Modification 4:</p> <p>To clarify the timing for the payment of section 94 contributions</p> |
| 20 April 2009 | <p>Modification 5:</p> <p>To modify the Concept Plan and Project approvals to: increase the area of a number of approved lots within Stage 2 and reduce the total number of lots by 4; and remove item 68 of the approved Statement of Commitments relating to submission of a lot classification geotechnical report for each stage of development prior to release of the subdivision certificate.</p> |
| 11 December 2009 | <p>Modification 6:</p> <p>Modification to the Concept Plan and Project Approval for Vincentia Coastal Village to: make changes to Design Essentials - a guide to building your home at Bayswood; and to amend references to the Design Essentials document in the Instrument of Approval.</p> |
| 14 November 2008 | <p>Site of Coastal Village and District Centre inserted into Schedule 3 to the State Environmental Planning Policy (Major Projects) 2005 as a State Significant Site.</p> <p>The planning regime for the site is now Part 29 of Schedule 3 to State Environmental Planning Policy (Major Projects) 2005.</p> |
| 7 January 2009 | <p>Vincentia District Centre (VDC) Stage 1 Project Approval</p> <p>Project Approval MP_06_0205 under Part 3A for development of Stage 1 of the Vincentia District Town Centre, is described as follows:</p> <ul style="list-style-type: none"> (a) site preparation works (including earthworks and vegetation clearing) with the Stage 1, (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, Big W 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. |

| | |
|---------------|---|
| Date: | Planning Approval: |
| 10 April 2009 | Modification 1 Vincentia District Town Centre – deletion of conditions 2.17 and 2.18 |

2.2 APPROVED STAGING, FLOOR AREA AND CAR PARKING

The following information has been extracted from page 4 of the Director-General's assessment report dated December 2008 for the original VDC Project Application:

The total floor area and anticipated timing for each stage is outlined in **Table 2**.

Table 2. Floor area by stage (m²)

| | Stage 1 – 2009 | Stage 2 – 2015 | Stage 3 – 2019 | Total |
|--------------------|----------------|----------------|----------------|----------------|
| Retail | 10,161 | 11,082 | 4,947 | 26,190 |
| Commercial & Other | 3,795 | 1,365 | 650 | 5,810 |
| Total | 13,956 | 12,447 | 5,997 | 32,000* |

**Total gross floor area approved in the concept plan excluding future development of Stage 4*

As shown in **Table 2**, Stage 1 of the District Centre comprises the construction of approximately 14,000m² of floor area providing two supermarkets (Woolworths and Aldi), speciality shops, a library and commercial/community tenancies fronting Moona Creek Road and will be serviced by 683 on-site car parking spaces.

Figure 4: Approved Staging and Floor Areas Source: Department of Planning Director-General's Report December 2008

It is noted that the Director-General's report at page 4 that the Project Application as submitted and approved for the VDC in January 2009 sought changes to the floor area allocations within each stage of the approved Concept Plan as a result of market changes.

Rice Daubney as the architects who have worked on the VDC since winning the Design Competition have provided the following breakdown in floor areas and car parking associated with the winning Concept Plan for the site, inclusive of the design changes brought about by the approved Project Application and Modification 1, these are summarised in Tables 3 and 4, as follows:

Table 3: Breakdown of floor areas

| Scheme | Stage 1 (Approved Project Application) (Square Metres) | Stage 2 (Approved Concept Plan) (Square Metres) | Stage 3 (Approved Concept Plan) (Square Metres) | Centre Area (Square metres) | Total |
|------------------|---|--|--|--|--------------|
| Supermarket 1 | 4,185 | 0 | 0 | | 4,185 |
| Supermarket 2 | 1,488 | 0 | 0 | | 1,488 |
| Supermarket 3 | 0 | 0 | 3,500 | | 3,500 |
| DDS | 0 | 6,670 | 0 | | 6,670 |
| Specialty Retail | 3,433 | 3,612 | 1,447 | | 8,492 |

| Scheme | Stage 1 (Approved Project Application) (Square Metres) | Stage 2 (Approved Concept Plan) (Square Metres) | Stage 3 (Approved Concept Plan) (Square Metres) | Centre Area (Square metres) | Total |
|---------------------------|---|--|--|--|---------------|
| Nursery | 0 | 0 | 0 | | 0 |
| Kiosks/Casual RT | 155 | 0 | 0 | | 155 |
| Fruit and Vegetables | 300 | 0 | 0 | | 300 |
| Mini Major 1 | 600 | 0 | 0 | | 600 |
| Mini Major 2 | 0 | 800 | 0 | | 800 |
| Commercial | 0 | 1,365 | 0 | | 1,365 |
| Library | 743 | 0 | 0 | | 743 |
| F+B | 0 | 0 | 650 | | 650 |
| Commercial | 542 | 0 | 0 | | 542 |
| Services/Amenities | 306 | 0 | 0 | | 306 |
| Centre Management | 99 | 0 | 0 | | 99 |
| Comm./Community | 2,105 | 0 | 0 | | 2,105 |
| Total Retail | 10,161 | 11,082 | 4,947 | | 26,190 |
| Total Comm/Others | 3,795 | 1,365 | 650 | | 5,810 |
| Grand Total | 13,956 | 12,447 | 5,597 | | 32,000 |
| Progressive Totals | 13,956 | 26,403 | 32,000 | | 32,000 |

Car parking associated with the VDC is as follows in **Table 4**:

Table 4: Summary of parking

| Scheme | Stage 1 (Approved Project Application) (Square Metres) | Stage 2 (Approved Concept Plan) (Square Metres) | Stage 3 (Approved Concept Plan) (Square Metres) | Centre Area (Square metres) | Total |
|---------------------------|---|--|--|--|------------------|
| Required | | | | | |
| Retail | 508.05 | 554.1 | 247.35 | | 1,309.5 |
| Commercial/Others | 158.125 | 56.875 | 27.083 | | 242.083 |
| Bulky Goods | | | | | |
| Totals | 666.175 | 610.975 | 274.433 | | 1,551.083 |
| Progressive Totals | 666.175 | 1,277.15 | 1,551.583 | | 1,551.583 |
| Approved | | | | | |
| Retail | 509 | 590 | 270 | | 1,369 |

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Vincentia District Centre Project Approval Modification

| Scheme | Stage 1 (Approved Project Application) (Square Metres) | Stage 2 (Approved Concept Plan) (Square Metres) | Stage 3 (Approved Concept Plan) (Square Metres) | Centre Area (Square metres) | Total |
|---------------------------|---|--|--|--|--------------|
| Commercial/Others | 100 | 60 | 30 | | 190 |
| Comm./Community | 9 | 0 | 0 | | 9 |
| | 2 bus | 0 | 0 | | 2 bus |
| Off-street car park | 78 | 0 | 0 | | 78 |
| Totals | 696 | 650 | 300 | | 1,646 |
| Progressive Totals | 696 | 1,346 | 1,646 | | 1,646 |

3. THE PROPOSED MODIFICATION

3.1 SUMMARY DESCRIPTION OF MODIFICATION 2 PROJECT APPLICATION

It is noted that the Director-General's Environmental Assessment report dated December 2008 at page 4 the Project Application as submitted and approved for the VDC in January 2009 sought changes to the floor area allocations within each stage of the approved Concept Plan as a result of market changes. Modification 2 is seeking a number of changes as a direct result of market changes bearing in mind that Stage 1 was to have opened in 2009 but this did not occur.

Modification 2 seeks approval for the following:

- (a) Site preparation works (including earthworks and vegetation clearing) with Stage 1 and Stage 2,
- (b) Subdivision to create 12.24 ha Lot upon which the Vincentia District Centre will be constructed;
- (c) Stage 1 approximately 22,600m² of gross floor area, comprising 20,880m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail outlets inclusive of kiosks and mini-major retail outlets and 1,720m² of commercial gross floor area (capable of being utilised in as a temporary a library or other community space), centre management and amenities, and Stage 2 approximately 9,400m² of gross floor area, comprising 7,669m² of gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini-major retail outlet) and 1,731m² of gross floor area of community space and amenities) being a total gross floor area for the centre of 32,000m²;
- (d) fit-out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths,
- (e) roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, Wool Road, external road works, footpaths and open space areas),
- (f) Stage 1 - 55 car parking spaces in Moona Creek Road, 1,025 car parking spaces, including 773 permanent parking spaces located in the southern parking area and 197 temporary parking spaces within the northern parking area, and loading docks for the Big W DDS, Woolworths supermarket, Aldi supermarket and specialty shops and trolley storage, Stage 2 – 289 car parking spaces being formalised in the northern car parking area in lieu of the temporary parking spaces and an additional 243 parking spaces in the southern parking area raising the total parking on-site in the completed

centre to 1,360 car parking spaces, and loading docks for supermarket 3 and trolley storage,

- (g) provision of infrastructure for water, sewerage, electricity and telecommunications,
- (h) water sensitive urban design, and
- (i) associated works and road works.

Details of Modification 2 are shown in the drawings which can be found at **Appendix B**. These drawings have been prepared by Rice Daubney who has been involved with the site since the Design Competition. The gross floor area is confirmed in the drawing by Lockley Land Solutions at **Appendix T**.

3.2 DETAILED DESCRIPTION OF MODIFICATION 2 PROJECT APPLICATION

The following provides specific details of the amendments sought in Modification 2 when compared to the approved Project Application and Modification 1, include:

1. Revised staging. The Concept Plan for the Vincentia District Centre includes three stages. The Project Application approved by the Minister for Planning dated 7 January 2009 and subsequently modified on 10 April 2009 for the Vincentia District Town Centre (VDC) involved Stage 1 of the approved Concept Plan's 3 stages. This modification requests making Stage 1 as originally approved to now becoming Stage 2, and original Stage 2 and 3 becoming modification Stage 1. The changes to the Concept Plan staging are compared in the overlay drawing which can be found in **Appendix B**;
2. The revised Stage 1 is proposed to include:
 - approximately 22,600m² of floor area, comprising 20,300m² of retail space;
 - a Big W Discount Department Store (referred to as DDS on the drawings) and fit out;
 - a Woolworths Supermarket with liquor (referred to as supermarket 1 on the drawings) and fit out;
 - a Aldi Supermarket (referred to as supermarket 2 on the drawings) and fit out;
 - fit out and occupation of the Big W DDS, Dick Smiths, Woolworths supermarket with liquor and Aldi supermarket;
 - specialty retail outlets inclusive of kiosks, Dick Smiths inclusive of fit out and mini-major retail outlet);

- and 1,300m² of commercial space (capable of being utilised in as a temporary a library or other community space), centre management and amenities; and
 - 1,025 car parking spaces consisting of 55 parking spaces along the frontage of Moona Creek Road, 773 permanent parking spaces in the southern parking area and 197 temporary parking spaces in the northern parking area;
3. Roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, Wool Road, external road works, footpaths and open space areas);
4. The revised Stage 2 is proposed to include:
- approximately 9,400m² of floor area;
 - A supermarket with unknown tenant (referred to as supermarket 3 on the drawings);
 - Specialty shops inclusive of mini-major;
 - Library of 1,400m²;
 - Amenities and kiosks;
 - Conversion of the temporary northern parking area into 289 permanent parking spaces and
5. Amalgamation of the Concept Plan Stages 2 and 3 into the same stage being Modification 2 proposed Stage 1;
6. A number of design changes as follows:
- The floor space for the Big W DDS increasing from the approved Concept Plan;
 - The Big W DDS loading dock facilities allowing for the gradient and swept paths of articulated trucks and as such occupying a larger area than shown in the ;
 - The location of the Woolworths supermarket remaining unaltered however the loading dock manoeuvring facilities increasing in size;
 - The location of the ALDI supermarket moving from the approved Stage 1 adjacent to the northern car parking area to remain in Stage 1 moved to adjacent to the southern car parking area;

- The overall floor space and configuration of the specialty shops decreasing from the approved;
 - The location of the library as approved not being altered. The size of the library increasing from 743m² to 1,400m². The staging for the library now proposed in Stage 2, and should Council require a temporary library an opportunity to locate within the Stage 1 commercial floor area of approximately 620m²;
 - The roof height has been lowered by approximately 1m; and
 - The size of supermarket 3 has been reduced by 100m².
7. Project Approval for the whole of the VDC. This would enable Fabcot to deliver the VDC for Stage 1 immediately and in the future when market feasibility enables Stage 2 to be delivered.
 8. Bulk earthworks and site works associated with the modified development for the building footprint, loading dock facilities, WSUD facilities, landscaping and car parking areas based on the proposed staging;
 9. Floor space of 32,000 square metres for the entire VDC;
 10. A total of 1,360 car parking spaces for the completed Stage 1 and 2 VDC.

The hours of trade as indicated within the Don Fox Environmental Assessment Report for Project Application MP06_0205 at page 13 are not proposed to be altered in Modification 2. These have been assessed by the Department as acceptable.

Table 5: Comparison of Approved Project Application with Modification 2

| Approved Project Application | Modification 2 |
|---|---|
| <p>Project Approval MP 06_0205 under Part 3A for development of Stage 1 of the Vincentia District Town Centre, is described as follows:</p> <ul style="list-style-type: none"> (a) <i>site preparation works (including earthworks and vegetation clearing) with the Stage 1,</i> (b) <i>subdivision to create a 12.24 ha Lot upon which the District Centre will be constructed,</i> (c) <i>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),</i> (d) <i>fit out and occupation of the Woolworths, Big W and Aldi supermarkets,</i> (e) <i>roads and access/public domain works within the District Centre (including Moona</i> | <p>Modification 2 seeks approval for the following:</p> <ul style="list-style-type: none"> (a) Site preparation works (including earthworks and vegetation clearing) with Stage 1 and Stage 2, (b) Subdivision to create 12.24 ha Lot upon which the Vincentia District Centre will be constructed; (c) Stage 1 approximately 22,600m² of gross floor area, comprising 20,880m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail outlets inclusive of the kiosks and mini-major retail outlets and 1,720m² of commercial gross floor area (capable of being utilised in as a temporary a library or other community space), centre management and amenities, and Stage 2 approximately 9,400m² of gross floor area, comprising 7,669m² of |

| | |
|---|--|
| <p><i>Creek Road, external road works, footpaths and open space areas),</i></p> <p>(f) <i>683 car parking spaces, two loading docks and trolley storage,</i></p> <p>(g) <i>provision of infrastructure for water, sewerage, electricity and telecommunications,</i></p> <p>(h) <i>water sensitive urban design, and</i></p> <p>(i) <i>associated works.</i></p> | <p>gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini-major retail outlet) and 1,731m² of gross floor area of community space and amenities) being a total gross floor area for the centre of 32,000m²;</p> <p>(d) fit-out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths,</p> <p>(e) roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, Wool Road, external road works, footpaths and open space areas),</p> <p>(f) Stage 1 - 55 car parking spaces in Moona Creek Road, 1,025 car parking spaces, including 773 permanent parking spaces located in the southern parking area and 197 temporary parking spaces within the northern parking area, and loading docks for the Big W DDS, Woolworths supermarket, Aldi supermarket and specialty shops and trolley storage, Stage 2 – 289 car parking spaces being formalised in the northern car parking area in lieu of the temporary parking spaces and an additional 243 parking spaces in the southern parking area raising the total parking on-site in the completed centre to 1,360 car parking spaces, and loading docks for supermarket 3 and trolley storage,</p> <p>(g) provision of infrastructure for water, sewerage, electricity and telecommunications,</p> <p>(h) water sensitive urban design, and</p> <p>(i) associated works and road works.</p> |
|---|--|

3.3 PROPOSED FLOOR AREAS AND CAR PARKING IN MODIFICATION 2 PROJECT APPLICATION

The Proponent is now seeking approval for Modification 2 under Part 3A of the EP&A Act for the proposed VDC, as illustrated by the drawings contained within **Appendix B and Appendix T** and involves the following floor space breakdown:

Table 5: Summary of Modification 2 Floor Areas

| Scheme | Stage 1 | Stage 2 | Total Centre |
|-------------------------------------|-----------------|-----------------|-----------------|
| | (Square Metres) | (Square Metres) | (Square Metres) |
| Supermarket 1- Woolworths & Licquor | 3904 | 0 | 3904 |
| Supermarket 2- Aldi | 1092 | 0 | 1092 |
| Supermarket 3- TBD | 0 | 3310 | 3310 |
| Discount Department Store- BIG W | 7837 | 0 | 7837 |
| Mini Major 1- Dick Smiths | 474 | 0 | 474 |
| Mini Major 2- TBD | 723 | 0 | 723 |
| Mini Major 3- TBD | 0 | 1092 | 1092 |
| Specialty Shops | 6850 | 3267 | 10117 |
| Services / Amenities | 799 | 331 | 1130 |
| Commercial | 921 | 0 | 921 |
| Library / Community | 0 | 1400 | 1400 |
| Total Centre | 22600 | 9400 | 32000 |

Car parking for the Modification will be undertaken to correspond to the proposed staging as follows:

Table 6: Summary of Modification 2 Required and Proposed Car Parking

| Scheme | Stage 1 | Stage 2 | Total Centre |
|---------------------------|--------------|----------------|----------------|
| Required | | | |
| Retail | 628.8 | 172.9 | 801.7 |
| Supermarkets | 221.1 | 152.6 | 373.7 |
| Commercial/Others | 50 | | 50 |
| Retail Storage | 40.2 | | 51.2 |
| Library | 0 | 70.8 | 70.8 |
| Totals | 940.1 | 396.3 | 1,336.4 |
| Progressive Totals | 940.1 | 1,336.4 | 1,336.4 |
| Proposed | | | |
| Northern | 197 | 92 | 289 |
| Southern | 773 | 243 | 1016 |
| Moona Creek Road | 55 | 55 | 55 |
| Total | 1025 | 335 | 1360 |

- Separate loading dock facilities for each component of the retail centre; and
- Inclusion of supplementary infrastructure measures associated with the provision of water, sewer and energy to the site to match stages.

3.4 URBAN DESIGN / ARCHITECTURAL DESIGN STATEMENT

The architectural team who worked on the VDC Rice Daubney have also worked on the amendments now proposed. Rice Daubney have prepared a Design Statement which can be found at **Appendix C**. This statement concludes:

Rice Daubney believe the established masterplan concept is a robust plan which permits adjustments to the particulars of the plan form while still fulfilling the macro strategies discussed above (in the Design Statement). Importantly the town spaces of Moona Creek Road, Arbour Walk, Canopy Walk and Boardwalk are still evident in all stages of development and the building expression can still be explored as forms which respond to these town places.

The principles of the design competition winning design will be maintained.

3.5 ALTERNATIVES CONSIDERED

The VDC has involved consideration over the years of a considerable number of design alternatives. The design of the VCV & VDC has evolved through the master planning process which has been ongoing since September 2003 when Stockland first began liaising with staff from the Department of Planning and the other relevant government agencies to identify the site constraints. Before the Concept Plan application was submitted to the Department of Planning for assessment in February 2006, the masterplan for the VCV& DC had been through six design concept modifications and seven development footprint boundary amendments which resulted in the developable area being reduced from 102ha to 66.6ha and the environmental / open space area being increased from 24.2ha to 59.8ha.

The design concept modifications that preceded the version of the Concept Plan submitted to the Department of Planning in February 2006 are summarised as follows:

September 2003 – layout plan to investigate optimum north-south solar orientation considered not sensitive enough to drainage and topography. Concept of ridge roads and links between the district centre and leisure centre were introduced.

January 2004 – characterised by north – south ridge roads, secondary streets extending down to creek lines and landscaped wedges of trees linking internal residential areas to external corridors.

February 2004 – district centre moved south to retain heath land habitat south of the leisure centre and residential plan refined.

July 2004 – entries to central villages modified and area around the leisure centre refined.

February 2005 – landscaped corridor extended north of district centre and western most area across creek detailed for habitat reasons.

February 2006 – Concept Plan submission finalised.

When the Concept Plan was ultimately approved by the Minister for Planning in January 2007, the approval instrument required the Concept Plan to be further amended to protect significant flora and fauna, ensure adequate protection from bushfire hazards, clarify the extent of the subdivision of the site and ensure that the district centre development achieves a high quality design and an appropriate level of retailing that responds to its location. Most of these modifications related to the residential component of the Concept Plan. Of most relevance to the VDC was the requirement of the Concept Plan approval that Stockland run a design competition to achieve design excellence for the VDC prior to a Project application being submitted to the Department of Planning.

Three entrants participated in the design excellence competition. Each of the three entrants submitted one conforming or partially conforming entry and one non-conforming entry. The Jury Panel report refers to “conforming” and “non-conforming” submissions. The term “conforming” is defined in the Jury Panel report as meaning a master plan and design submission that follows (with limited changes) the approved Concept Plan. The term “nonconforming” as defined by the Jury Panel means a submission that disregards all previous master plans and is bound only by boundary and land constraints such as environmental setbacks, water sensitive urban design requirements and roads. This was a specific request from the Jury.

The three conforming or partially conforming design submissions and the three nonconforming design submissions are reproduced in the following pages together with the comments made in relation to each submission by the jury panel.

From the six design submissions entered into the design competition, the jury panel selected one winner. The winning design submission has been modified in accordance with the jury panel’s recommendations and it is this modified version of the masterplan that now forms the basis of this application for Project approval of Stage 1 of the District Centre.

The history of approvals is outlined in Table 2. The more recent history for the site has occurred since Fabcot purchased the site.

A meeting was held on the 31 July 2009 to discuss the process to amend the Concept Plan and Project Application for the Vincentia District Centre – Concept Plan and Stage 1 Project Application – Approval Review. This meeting was held between representatives for the proponent and the Department of Planning to discuss the proposed amendments and various options which may be considered.

Option 1: Proceed with preparing a Stage 2 Project Application with no changes to the approved concept plan and project application.

Option 2: Proceed with Preparing Stage 2 Project Application then revise staging. This involved obtaining approval for Stage 2 project application and then “flip over” the VDC and build Stage 2 immediately.

Option 3: Revise Approved Project Application via a modification – modify the construction sequence and staging by flipping-over and seek approval for combined Stage 1 and Stage 2 Project Application. This is the option that the proponent is pursuing.

Design Excellence Competition

Modification 2 has had consideration of the Design Excellence process previously undertaken in the various approvals granted. This is reflected in the Site Analysis drawing prepared by Rice Daubney in **Appendix B**.

The Director-General of the Department of Planning issued Design Excellence Guidelines in July 2007 which detailed the process and framework within which design competitions may be held. The guidelines state the purpose of an architectural design competition as being to promote innovative design solutions that achieve high quality buildings and spaces within the city centre.

Modification A4 of the VCV which is detailed at Schedule 2 of the Concept Plan Approval and which relates to design excellence requires the following:

"A4 Design Excellence

(1) The Proponent shall hold a design excellence competition for the district centre.

The brief shall be approved by the Director General or his delegate.

(2) The Proponent shall establish a jury panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
- (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*
- (d) whether the car parking is designed in a manner that is not visible from any area including roads and environmental lands,*
- (e) whether the car park design includes impervious surfaces to allow water filtration.*

*(3) The Proponent is to submit the report of the **jury panel** as part of any future application for development.*

(4) For the purposes of this modification, a jury panel means a 3 to 5 member panel comprised of appropriately qualified design professionals, chaired by a registered architect."

The process undertaken for compliance with these requirements can be summarised as follows:

Stockland invited three architectural firms to participate in the design excellence competition required by the Department of Planning prior to submission of the Project Plan application for the District Centre. The design excellence competition took place over three months in June, July and August 2007 with the competition results being announced on 31 August 2007.

A Design Competition Brief approved by the Department of Planning was used by Stockland to brief the three architectural firms invited to participate in the design excellence competition. A draft copy of the Design Competition Brief was provided to the Department of Planning in April 2007 for review and the comments received were incorporated into the final version of the Design Competition Brief approved by the Department of Planning. The Design Competition Brief detailed the aims and objectives of the design excellence competition, the selection procedure for entrants, the return submission requirements, the basis upon which an entrant could be disqualified during the competition, the assessment and selection of a preferred design, the responsibilities of Stockland, the duties of the jury panel and the involvement by the consent authority and representative from the Department of Planning.

Entrants were initially requested to submit a design proposal consistent with the approved Concept Plan, however early in the design competition process each of the three entrants expressed concerns in relation to perceived inadequacies with the approved Concept Plan.

Accordingly, in order to secure the best possible design outcome for the Vincentia District Village, the jury panel unanimously agreed to permit entrants to submit non-conforming schemes provided that they demonstrated the design, environmental and commercial merits of varying from the approved Concept Plan.

The jury panel utilised two assessment periods during the design excellence competition, the first to provide direction and focus the architects and the second to review the design proposals, form a final position on the preferred scheme / architect from a conforming and non-conforming perspective and document the jury panel's expert recommendation.

The jury panel considered that the key urban design challenge critical to the success of the District Centre is the need to create a relationship between the main vehicular access route, the car parking areas and the retail areas that is not only clear and legible but that also has a sound retail and urban design logic. This challenge is complicated by the staging program, the topography of the site and environmental constraints.

The jury panel concluded that in all conforming schemes, activation along the length of the road referred to in the Concept Approval as Main Street remained unachievable until Stage 3 and even then the claimed activation was questionable. Because of its length Main Street tended to hinder good retail activity rather than serve as a vibrant contributor.

Following presentations by the three entrants of both conforming and non-conforming schemes, the jury panel unanimously agreed that there was a preferred architect and that the preferred architect, being Rice Daubney should be selected to work with Stockland and instructed to amend the non-conforming master plan in accordance with the requirements of Stockland and the Jury Panel. In addition it was determined that the three submissions prepared by the entrants would be presented to the Department of Planning with an explanation of the preferred architect and the proposed changes to the preferred architect's master plan.

The jury panel concluded that while the form of the master plan prepared by Rice Daubney required some amendments, it had the potential to provide an excellent amenity for the people of Jervis Bay and the Vincentia Coastal Village because it more sensitively addressed the unique nature of the site, related well to the existing land form and facilitated a far less disruptive staging sequence.

Rice Daubney's winning design proposal made the fundamental move of treating Moona Creek Road as the "main Street", along which local facilities will be provided. The jury panel concluded that there is logic to this approach because it will result in a more compact centre and one that works well at each stage of the development. The jury panel also concluded that the winning design proposal displayed a greater respect for the landform by minimising cut and fill and allowing the creek to retain a strong identity in the centre. The infrastructure needs were also considered to be more realistically distributed over the various stages of growth of the District Centre and the architecture was considered to relate more comfortably to the coastal character of Vincentia. Notwithstanding, the jury panel recommended that Rice Daubney further develop the following aspects of the design:

- Combine several of the Rice Daubney concepts into one master plan to achieve a more workable retail master plan;*
- Improve connectivity to car parking areas and ensure convenience to the majority of customers; and*
- Review open air areas in key retail locations to ensure customer amenity and to enable a best practice environment for retailers.*

(DFP – EAR 2008)

Consistency with the Concept Approval

The principal elements of the VDC as proposed in Modification 2 are unchanged from that which was approved by the Minister when the Concept Plan was granted consent. To this extent, the proposed fully developed VDC will occupy the same footprint in that shown in the VDC Concept Plan, it contains a maximum total floor area of 32,000m², it contains a similar range of retail, commercial and community facilities including a discount department store, supermarkets and specialty retail outlets, it contains substantial at-grade car parking areas to the north and south of the shopping centre, it incorporates the principles of water sensitive urban design and it is proposed to be delivered in two distinct stages. A further stage (Stage 3 formerly known as Stage 4) sites are set aside for future development (eg. bulky goods) which is not included in the approved 32,000m² floor area. Stage 3 land is consistent with the Concept Plan.

Variations from the Concept Approval

Design Competition Outcome

As outlined earlier in this report, the Minister for Planning approved the Concept Plan for the VCV & DC subject to a range of conditions and modifications. Modification A4, Schedule 2 required the applicant to conduct an architectural design excellence competition for the proposed District Centre.

Throughout the design excellence competition, the three entrants raised a number of concerns regarding the constraints and limitations of the approved Concept Plan. Rice Daubney formed the view that while several strategies such as building form, materials selection and sustainability could be transferred between a design scheme that complied with the approved Concept Plan and one which varied from the approved Concept Plan, the pivotal issues of dislocation of the VDC from the water and the residential edge and the making of an activated and functional street (due largely to the amount of activation required) were severely compromised in the complying scheme. The seamlessness of movement between the different parts of the VDC from a pedestrian point of view was also considered to be compromised in the complying scheme.

In addition Rice Daubney expressed a concern that it would be much more difficult in the complying scheme to achieve any savings in terms of the onerous infrastructure costs through sensible staging of the project and limited capacity to work with the natural landform.

Because of the perceived limitations with the approved Concept Plan, Rice Daubney developed a non-conforming scheme that departed from the original Concept Plan. One of the departures was that instead of a new street being delivered through the middle of the VDC in an east west direction, the reconfigured master plan for the VDC utilises the Moona Creek Road reservation which is an existing unmade "paper" road and which runs north south along the western edge of the VDC as the primary vehicular access spine.

The principal differences between the proposed modification, the approved Concept Plan and Project Application are design changes to the layout and footprint of the car parking areas, reconfiguration of the layout of the shopping centre, revised staging and adjustment of floor area associated with the DDS and specialty shops. Notwithstanding, the modified Project Application for the VDC still incorporates the concept of a “main street” (Moona Creek Road).

In addition to being more responsive to the natural topography of the site and better connected with the residential area to the west, the reconfigured design has the benefit of delivering the bulk of the public domain in Stage 1 and delivering centrally located retail, commercial and community facilities in Stage 1 that will ensure the public domain is activated immediately rather than in later stages of the development project. Stage 2 of the project will involve the extension of the public domain and retail mall.

To assist in the preparation of this project application for the District Centre and the approved Concept Plan for the VCV & DC site, the same design team were engaged by Fabcot which included Rice Daubney, Clouston Associates and Cardno Forbes Rigby to design and document the Water Sensitive Urban Design (WSUD) features being integrated within the development and the majority of measures included in Stage 1. These features include bioswales, wetlands and buffer strips. Prior to approving the Concept Plan for VCV & DC site, the Department of Planning made no specific changes to the WSUD aspects of the proposal designed and documented by Cardno Forbes Rigby. To this extent, no specific modifications to the WSUD measures are requested when compared to the approved Concept Plan and Project Application which is reinforced by the Draft Statement of Commitments being consistent with the conditions of MP 06_0205 and Mod 1).

Notwithstanding the fact that no specific modifications to the WSUD are proposed, the changes made to the layout and footprint of the VDC necessitate that some minor aspects of the approved WSUD proposal to be refined. In particular this relates to the piping of Eastern Creek – the large culvert conveying runoff under the proposed development via a combination of piping and an open channel. This minor modification is the only change to the WSUD measures which were granted consent as part of the Concept Plan approval. Accordingly, the WSUD measures proposed as part of this project application remain substantially the same as those that form part of the Concept Plan approval.

3.6 JUSTIFICATION FOR THE PROJECT

The modification is justified following a consideration and assessment of potential environmental impacts, the suitability of the site and an assessment that the project will be in the public interest.

Assessment of potential environmental impacts

This EA document assesses the potential environmental impacts that will result from the proposed modification and concludes that the identified impacts are not significant and can be appropriately managed. The assessment of potential environmental impacts, including the key issues identified in the DGEARs is found in the Executive Summary of this EA. The EA also includes a review of the detailed specialist consultant reports included in the Appendices.

Modification 2 will enable Fabcot to construct the VDC as and when needed to meet the market, allow for timing matters which may be unforeseeable / unpredictable due to rapidly changing regional economies and will also enable construction to commence as soon as possible on-site following approval.

The timing for Stage 1 of the VDC under existing approvals was due for completion in 2009. However, this was not possible due to a number of factors related to:

- Changes in the market associated with the economy;
- The sale of the land by Stockland to Fabcot; and
- The length of time to obtain approvals prior to Fabcot acquiring the land;

While the previous approval included the delivery of a library within Stage 1 having an area of some 743 square metres, it is proposed to deliver this community facility within Stage 2 with a larger area of some 1,400 square metres to off-set the delay in moving this from Stage 1 to Stage 2. It is noted that no formal information was previously submitted with the application to justify the inclusion of this facility in Stage 1. Despite this, in recent discussions with Council as part of the informal consultation associated with the preparation of this modification, it was raised by Fabcot with Council the possibility of providing the Council with a temporary location for the library within the proposed commercial floor space within Stage 1 at the Moona Creek Road frontage of the VDC. Such an arrangement would be subject to further negotiations between Council and Fabcot, but nonetheless alternate floor area is available should the Council require the library within Stage 1.

Discussions are currently ongoing with Shoalhaven City Council with respect to the modified design and the provision of the library floor space within Stage 2.

1. Council Report on Library 2009

The Council engaged the services of the AEC Group who prepared a report titled "*Develop a Library Infrastructure and Service Delivery Model for the Shoalhaven*". This report was considered by Council at its meeting held on 15 December 2009. A copy of this Council report as presented to Council on its agenda is attached at **Appendix S**.

The AEC Group report advised in relation to the subject site in the Executive Summary, as follows:

| | Bay / Basin Catchment |
|------------------|--|
| Issues | Currently the Bay/Basin catchment is serviced by the Sanctuary Point Library. The Bay / Basin catchment currently represents 25% of the Shoalhaven's population with future projected growth of 1.5% due largely with the proposed Cross Roads residential development. The current branch library building is significantly undersized when assessed against the People Places standards for libraries. |
| Strategy | <ul style="list-style-type: none"> • Redevelop Sanctuary Point Library to a Community Lounge Room model that includes: <ul style="list-style-type: none"> ○ Local, tailored boutique collection that is constantly updated and increase online services and downloadable media ○ Possible Infotainment area with a flat screen TV/PC and viewing lifestyle channels, sport and CNN ○ Increase Public Access Internet terminals to 7 (standard is 1 per 3000 population) ○ Review current hours of operation to ensure the needs of residents are being met |
| Timeframe | Short-term (0 -3 years) |
| Strategy | <ul style="list-style-type: none"> • Plan for a large branch library (1,400sq meters) within the Cross Roads retail development • Develop scalable point of presence for library services at Sanctuary Point that includes: <ul style="list-style-type: none"> ○ Delivered in partnership with community organisations ○ Access to Information Technology and public internet terminals ○ Access to the Online Library Catalogue ○ Access to requested items ○ Library Service Outreach for Community Learning workshops, children's programs and home delivery for frail aged |
| Timeframe | Medium-term to Long Term (5-15 years) |

It should be noted that the AEC Group report references the subject site as being the "Cross Roads retail development", that the library be 1,400 square metres in area and that the timeframe for delivery of this library by Council is "Medium-term to long term (5-15 years).

In this respect, the modified project application can deliver these outcomes for Council subject to commercial terms being agreed. In particular, the gross floor area for the library space within the VDC is 1,400 square metres and Stage 2 will be developed in the medium to long term.

The Council officer report which accompanied the AEC Group report, advised:

Financial Considerations:

Detailed financial considerations for each library will be reported individually. AEC estimates the cost of each of the 3 larger libraries in 2009 dollars is as follows:

- **Nowra:** Estimated cost \$3.9-\$4.14 million with a proposed development timeframe of 5 to 10 years.
- **Ulladulla:** Estimated cost \$4.57-\$4.87 million for both floors to be redeveloped (including a revamped tourist information office) with a proposed development timeframe of 0 to 3 years.
- **Bay and Basin:** Estimated Costs \$3.55-\$3.75 million with a proposed development timeframe of 5 to 15 years.

Implications for operating costs will be detailed in future reports.

2. Council resolution on library

Council resolved in relation to this item on the agenda as follows:

Minute No. 1777. Confirmed at Council Meeting 27 January 2010

Shoalhaven Libraries Infrastructure Development and Service Delivery Model File 21742E, 40079E

That:

- a) *Council adopt 4 key strategic principles for Library provision in the Shoalhaven;*
 - i. *Libraries are located in highly visible, accessible and central locations;*
 - ii. *Libraries are co-located with other services to meet community needs and aspirations;*
 - iii. *Shoalhaven libraries aspire to meet the benchmark standards identified in the NSW Standard People Places;*
 - iv. *Council adopt a service delivery model to include a central library at Nowra supported by:*
 - a) *regional libraries in the Ulladulla and Bay and Basin catchment areas, and*
 - b) *scalable, satellite facilities in local communities in accordance with partnering opportunities and existing points of presence;*
- b) *Further reports be prepared outlining the way forward for the Ulladulla, Nowra, Bay and Basin catchment and Sussex Inlet libraries;*
- c) *These reports will address:*
 - i. *Preferred infrastructure requirements*
 - ii. *Anticipated construction and operations costs and impact on Council's 10 year Capital works Plan;*
 - iii. *A consultation and engagement strategy with residents in the catchment areas of each library to ensure appropriate community input; and*
 - iv. *The proposed timelines for the delivery of each project.*
- d) *The Ulladulla Library be established as a priority;*
- e) *The Milton and Sanctuary Point Libraries be redeveloped to a community lounge room model and that this be considered in the 2010/11 Management Plan;*
- f) *Council review the Mobile Library service schedule to review capacity to deliver expanded services to growing areas;*
- g) *A report be submitted on the capital and recurrent funding options.*

A review of Council's current Delivery Program and Operational Plan 2010, which provides information on Council's operational costs for a three year period, does not include the estimated cost for delivery of a library as detailed above. As such, it is assumed that Council will not be in a position to deliver a library in the timeframe for when Stage 1 is sought to be operational by Fabcot being December 2011.

3. Advice from Former Owner

Stockland have advised verbally and in writing to the proponent's project manager that no commercial terms had been agreed by Council prior to the sale of the land to Fabcot.

As such, the provision of a library within Stage 2 of the Vincentia District Centre is in accordance with the timeframe for when Council will be able to deliver the asset in an operating capacity.

4. Recent Council Report on Library Issue

In response to Council's recent report considered at a meeting held on 24 August 2010, Fabcot advised Council via email dated 30 August 2010 they would be prepared to consider the following:

ii) That Council enter into negotiations with Fabcot to establish suitable commercial terms for provision of a library within the Vincentia District Centre and the timing for delivery of Stage 2 is acknowledged to be between 5 and 15 years from the time Stage 1 becomes operational. If in the event that Stage 2 has not commenced 15 years after Stage 1 becoming operational and Council has reached commercial terms with Fabcot, Council can request Fabcot to construct the library floor space shown in the Stage 2 modification drawings;

Also, to reflect Council's stated needs the gross floor area of a potential location for a library in the VDC is nominated as 1,400 square metres. The Draft Statement of Commitments reflects this outcome.

The nature of the proposed changes relate to the staging of the project and seek the delivery of a centre (both in its staging and when completed) which include all of the community benefits which have already been approved. Specifically, the main site infrastructure will be delivered in the same manner as that approved, including roads and pedestrian links so as to maintain legibility. The access points are unchanged from the approval and the architects involved in the project are unchanged. As such, irrespective of staging the proposed modifications will deliver the same outcomes anticipated by existing approvals. It is considered that the revised staging will provide for better legibility by providing a completed through-site link from Moona Creek Road to the Wool Road.

Fabcot and their representatives from Compass Project Management have held a number of meetings with Council to discuss the issue of a new access road into the Bay and Basin Leisure Centre since April 2010. Fabcot forwarded two options to Council for an access to the Bay and Basin Leisure Centre. In response to Council's recent report considered at a meeting held on 24 August 2010, Fabcot advised Council via email dated 30 August 2010 they would be prepared to consider the following:

ii) Council advise the Department of Planning that Council will consent to the closure of the road reserve serving the Bay and Basin Leisure Centre provided:

- 1. Temporary access to the Bay and Basin Leisure Centre car park is at Fabcot's cost (including construction of Intersection 'E') as per the attached drawing;*
- 2. Reconfiguration of the existing Bay and Basin Leisure Centre car park (as per the attached drawing) to facilitate the temporary access is at Fabcot's expense and that Council grants land owners consent for this change in line marking to occur;*
- 3. Fabcot provides Council with a bond in the amount of \$50,000 for the construction costs of the proposed temporary road access works;*
- 4. Council obtain all necessary approvals associated with provision of a Rural Fire Service station and emergency services access to that Rural Fire Service station;*
- 5. Fabcot grant an easement over the portion of land in which the temporary access road is located.*

The two options forwarded to Council form part of the drawings in **Appendix C** and in addition concept design details are included for intersection works in Wool Road. The Statement of Commitments reflects this outcome.

It should be noted that the overall floor area of the modified development is to be 32,000 square metres, which is in accordance with maximum permitted of 32,000 square metres.

Environmental Assessment

Vincentia District Centre Project Approval Modification

An overlay has been prepared to assist in identifying the changes associated with the proposed modifications. This overlay demonstrates that the outcomes as already approved will be delivered as part of the proposed modification, albeit in a slightly different layout. The principles of the design competition winning design will also be maintained.

4. SUMMARY REVIEW OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

This section of the EA considers any relevant statutory and non-statutory provisions and the identification of any non-compliance with such provisions as a result of the proposed modification.

4.1 COMMONWEALTH MATTERS

4.1.1 Environmental Protection and Biodiversity Conservation Act (EPBC), 1999

As noted previously in Section 2 subsequent to obtaining approval for the concept plan for the VCV and DC the previous proponent “*sought and obtained the approval of the former Commonwealth Department of Environment and Water Resources for the development under sections 18 and 18A (Listed threatened species and ecological communities) of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). This approval reduced the developable footprint from the concept approval and established the Environmental Zone for the site, being the area of land which must be managed in perpetuity to protect listed threatened species, biodiversity and habitat corridor values.*

The project application for Stage 1 of the District Centre relates to the same developable footprint approved as part of the concept plan application and subsequent Commonwealth EPBC referral.

The general footprint of the VDC including buildings, water feature and car parking areas will be maintained. Therefore, no new flora or fauna issues have arisen and the EPBC referral as approval previously does not require revisiting.

4.2 STATE LEGISLATION

4.2.1 Environmental Planning and Assessment Act, 1979

The NSW State Government has successfully passed and enacted the *Environmental Planning and Assessment Amendment Act 2008 (Amendment Act)*, which altered Part 3A among other matters.

The proponent requests that the Minister approve a modification of the approved Concept Plan and approved Project Application under Section 75W of the *Environmental Planning and Assessment Act, 1979*, which states:

75W Modification of Minister's approval

(1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

modification of approval means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.

(2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.

(3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

(4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.

(5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.

(6) Subsection (5) does not apply to a request to modify:

- (a) an approval granted by or as directed by the Court on appeal, or
- (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

(7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

The provisions of Section 75W of the EP&A Act to modify the approved Concept Plan and Project Application are based on the based on the following:

- The modification will not radically alter the development from its approved form;
- The nature of the proposed changes relate to the staging of the project and seeks the delivery of a centre (both in its staging and when completed) which include all of the community benefits which have already been approved. Specifically, the main site infrastructure will be delivered in the same manner as that approved, including roads and pedestrian links so as to maintain legibility. The access points are unchanged from the approval and the architects involved in the project are unchanged. As such, irrespective of staging the proposed modifications will deliver the same outcomes anticipated by existing approvals. It is considered that the revised staging will provide for better legibility by providing a completed through-site link from Moona Creek Road to the Wool Road;

- While the previous approval included the delivery of a library within Stage 1 having an area of some 743 square metres, it is proposed to deliver this community facility within Stage 2 with a larger area of some 1,700 square metres to off-set the delay in moving this from stage 1 to stage 2. It is noted that no formal information was previously submitted with the application to justify the inclusion of this facility in Stage 1;
- The timing for Stage 1 of the centre under existing approvals was due for completion in 2009, however due to factors related to changes in the market associated with the economy, the sale of the land by Stockland to Fabcot and the length of time to obtain approvals prior to Fabcot acquiring the land, this will not occur and thus staging and timing have sought to be revised by Fabcot;
- The staging is proposal has been revised by Fabcot so as to deliver a centre to support the current identified needs and gaps in the market. As such, the Big W discount department store (DDS) has been now included within Stage 1. The size of the DDS component as currently approved does not conform to the requirements of Big W and thus a change in floor area is sought. Further, the location of the Aldi supermarket has been repositioned to maintain its inclusion in Stage 1. The floor area associated with the specialty shops has been adjusted accordingly. It should be noted that the overall floor area of the modified development is to be 32,000 square metres, which is less than that approved being maximum of 32,000 square metres; and
- Further, an overlay has been prepared to assist in identifying the changes associated with the proposal. This overlay demonstrates that the outcomes as already approved will be delivered as part of the proposed modification, albeit in a slightly different layout. The principles of the design competition winning design will be maintained.

It is also noted that the previous design and thus the proposed modified design meets the criteria specified in Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and triggered by Clause 6.

The amendment to the approved Project Application seeks approval for both Stages 1 and 2 and will enable Fabcot to construct the VDC as and when needed to meet the market, allow for timing matters which may be unforeseeable / unpredictable due to rapidly changing regional economies and will also enable construction to commence as soon as possible on-site following approval.

4.3 STATE ENVIRONMENTAL PLANNING POLICIES

4.3.1 State Environmental Planning Policy 2005 (Major Development)

Formerly known as *State Environmental Planning Policy (Major Projects) 2005*, *State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP)* defines certain developments that are major projects under Part 3A of the *Environmental Planning and Assessment Act 1979* and determined by the Minister for Planning. The Major Development SEPP also lists State significant sites. The policy repeals SEPP 34 and SEPP 38, as well as provisions in numerous other planning instruments, declarations and directions.

Clause 6 of the Major Development SEPP enables the Minister to make a declaration with respect to a proposed development under Part 3A of the *Environmental Planning and Assessment Act, 1979* based on the following:

6 Identification of Part 3A projects

(1) Development that, in the opinion of the Minister, is development of a kind:

(a) that is described in Schedule 1 or 2, or

(b) that is described in **Schedule 3** as a project to which Part 3A of the Act applies, or

(c) to the extent that it is not otherwise described in Schedules 1–3, that is described in Schedule 5, is declared to be a project to which Part 3A of the Act applies.

Schedule 3 of Major Development SEPP

On 14 November 2008, the Major Development SEPP was amended to list the VCV & DC site as a State significant site in Schedule 3 of that Policy. Schedule 3 of the Major Development SEPP, Part 29 is considered following:

Table 7: Schedule 3 Part 29 - Vincentia Coastal Village site

| Provision in SEPP Major Development | Comment |
|---|--|
| <p>Division 1 - Preliminary</p> <p>1 Land to which Part applies</p> <p><i>This Part applies to the land shown edged heavy black on the Land Application Map, referred to in this Part as the "Vincentia Coastal Village site".</i></p> | <p>The proposed modifications relate to part of the "Land to which Part applies". Therefore Part 29 is considered below:</p> |
| <p>2 Interpretation</p> <p>(1) In this Part: "Additional Permitted Uses Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Additional Permitted Uses Map . "Building Height Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Building Height Map . "Council" means the Shoalhaven City Council. "Exempt and Complying Development Controls-Vincentia</p> | <p>Noted</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>Coastal Village" means the document of that name as approved by the Director-General on 8 July 2008 and held at the office of the Council.</i></p> <p><i>"heritage item" means:</i></p> <p><i>(a) an archaeological site, or</i></p> <p><i>(b) a place of Aboriginal heritage significance, or</i></p> <p><i>(c) a building, work, relic or tree that is situated within a site referred to in paragraph (a) or a place referred to in paragraph (b).</i></p> <p><i>"Land Application Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Land Application Map .</i></p> <p><i>"Land Reservation Acquisition Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Land Reservation Acquisition Map .</i></p> <p><i>"Land Zoning Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Land Zoning Map .</i></p> <p><i>(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006 unless it is otherwise defined in this Part or is referred to in the definition of "heritage item" in this Part.</i></p> | |
| <p>3 Consent authority</p> <p><i>The consent authority for development on land within the Vincentia Coastal Village site, other than development that is a project to which Part 3A of the Act applies, is the Council.</i></p> | <p>The consent authority for this modification is the Minister for Planning or his delegate.</p> |
| <p>4 Maps</p> <p><i>(1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:</i></p> <p><i>(a) approved by the Minister when the map is adopted, and</i></p> <p><i>(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.</i></p> <p><i>(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.</i></p> <p><i>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</i></p> <p><i>(4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.</i></p> | <p>These have been obtained and noted.</p> |
| <p>5 Relationship with other environmental planning instruments</p> <p><i>The only environmental planning instruments that apply, according to their terms, to land within the Vincentia Coastal</i></p> | <p>Noted</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>Village site are this Policy and all other State environmental planning policies except for the following:</i></p> <p><i>(a) State Environmental Planning Policy No 1-Development Standards,</i></p> <p><i>(b) State Environmental Planning Policy No 71-Coastal Protection.</i></p> | |
| <p>Division 2 - Part 3A projects</p> <p>6 Part 3A projects</p> <p><i>(1) Such development within the Vincentia Coastal Village site as has a capital investment value of more than \$5 million, other than development for the purposes of a public utility undertaking.</i></p> <p><i>(2) Subdivision of land within the Vincentia Coastal Village site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:</i></p> <p><i>(a) widening a public road,</i></p> <p><i>(b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional lots,</i></p> <p><i>(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,</i></p> <p><i>(d) rectifying an encroachment on a lot,</i></p> <p><i>(e) creating a public reserve,</i></p> <p><i>(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.</i></p> | <p>The proposal involves modification of a Project Application which already met these criteria.</p> |
| <p>Division 3 - Provisions applying to development within Vincentia Coastal Village site</p> <p>7 Application of Division</p> <p><i>This Division applies with respect to development within the Vincentia Coastal Village site and so applies whether or not the development is a project to which Part 3A of the Act applies.</i></p> | <p>This proposed modification relates to the District Centre within the Vincentia Coastal Village.</p> |
| <p>8 Land use zones</p> <p><i>(1) For the purposes of this Part, land within the Vincentia Coastal Village site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:</i></p> <p><i>(a) Zone R2 Low Density Residential,</i></p> <p><i>(b) Zone B2 Local Centre,</i></p> <p><i>(c) Zone RE1 Public Recreation,</i></p> <p><i>(d) Zone E2 Environmental Conservation.</i></p> <p><i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> | <p>The objectives of the B2 Local Centre land use zone have been considered in relation to the proposed modification and it is considered that the modification is consistent.</p> |
| <p>9 Zone R2 Low Density Residential</p> | <p>Proposed modifications do not include R2 Zoned land.</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>(1) The objectives of Zone R2 Low Density Residential are as follows:</i></p> <p><i>(a) to provide for the housing needs of the community within a low density residential environment,</i></p> <p><i>(b) to enable other land uses that provide facilities or services to meet the day to day needs of residents,</i></p> <p><i>(c) to incorporate contemporary design principles in the design of new buildings and the relationship of those buildings to the public domain and the natural environment,</i></p> <p><i>(d) to promote energy efficiency and other sustainable development practices,</i></p> <p><i>(e) to minimise the impact on residential development from non-residential development (such as impacts relating to operating hours, noise, loss of privacy and vehicular and pedestrian traffic).</i></p> <p><i>(2) Development for any of the following purposes is permitted without development consent on land within Zone R2 Low Density Residential:</i></p> <p><i>environmental protection works; home occupations.</i></p> <p><i>(3) Development for any of the following purposes is permitted only with development consent on land within Zone R2 Low Density Residential:</i></p> <p><i>bed and breakfast accommodation; boat launching ramps; building identification signs; car parks; child care centres; drainage; dual occupancies; dwelling houses; earthworks; educational establishments; filming; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; hospitals; information and education facilities; multi dwelling housing; neighbourhood shops; places of public worship; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); residential care facilities; roads; schools; seniors housing; swimming pools; veterinary hospitals.</i></p> <p><i>(4) Except as otherwise provided by this Part, development is prohibited on land within Zone R2 Low Density Residential unless it is permitted by subclause (2) or (3).</i></p> | |
| <p>10 Zone B2 Local Centre</p> <p><i>(1) The objectives of Zone B2 Local Centre are as follows:</i></p> <p><i>(a) to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,</i></p> <p><i>(b) to encourage employment opportunities in accessible locations,</i></p> <p><i>(c) to maximise public transport patronage and encourage walking and cycling,</i></p> <p><i>(d) to incorporate contemporary design principles in the design of new buildings and the relationship of those buildings to the public domain and the natural environment,</i></p> <p><i>(e) to promote energy efficiency and other sustainable</i></p> | <p>The District Centre site is zoned B2 – Local Centre (in Schedule 3 of the Major Development SEPP). Therefore, the proposed District Centre is permissible with consent on the subject site.</p> <p>The modifications proposed relate to the staging of the project and the delivery of the centre which include all of the community benefits which have already been approved. The proposed modifications will deliver the same outcomes</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>development practices,</i></p> <p><i>(f) to minimise the impact on residential development from non-residential development (such as impacts relating to operating hours, noise, loss of privacy and vehicular and pedestrian traffic).</i></p> <p><i>(2) Development for any of the following purposes is permitted without development consent on land within Zone B2 Local Centre:</i></p> <p><i>environmental protection works.</i></p> <p><i>(3) Development for any of the following purposes is permitted only with development consent on land within Zone B2 Local Centre:</i></p> <p><i>amusement centres; business premises; car parks; child care centres; community facilities; drainage; earthworks; educational establishments; entertainment facilities; environmental facilities; filming; flood mitigation works; food and drink premises; function centres; funeral chapels; funeral homes; health consulting rooms; hospitals; information and education facilities; kiosks; landscape and garden supplies; markets; medical centres; mixed use development; neighbourhood shops; office premises; passenger transport facilities; places of public worship; public administration buildings; pubs; recreation areas; recreation facilities (indoor); recreation facilities (major); recreation facilities (outdoor); registered clubs; restaurants; retail premises; roads; schools; service stations; shop top housing; signage; take away food and drink premises; temporary structures; tourist and visitor accommodation; veterinary hospitals.</i></p> <p><i>(4) Except as otherwise provided by this Part, development is prohibited on land within Zone B2 Local Centre unless it is permitted by subclause (2) or (3).</i></p> | <p>anticipated by existing approvals and will therefore still comply with the objectives and permissibility of uses in the of the zone.</p> |
| <p>11 Zone RE1 Public Recreation</p> <p><i>(1) The objectives of Zone RE1 Public Recreation are as follows:</i></p> <p><i>(a) to enable land to be used for public open space or recreational purposes,</i></p> <p><i>(b) to provide a range of recreational settings and activities and compatible land uses,</i></p> <p><i>(c) to protect and enhance the natural environment for recreational purposes,</i></p> <p><i>(d) to enable development for the enjoyment of the community,</i></p> <p><i>(e) to ensure the vitality and safety of the community and public domain,</i></p> <p><i>(f) to promote landscaped areas to enhance the amenity of the area.</i></p> <p><i>(2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:</i></p> <p><i>business identification signs; environmental protection works.</i></p> | <p>Proposed modifications do not include RE1 Public Recreation Zoned land.</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>(3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:</i></p> <p><i>boat launching ramps; boat repair facilities; boat sheds; building identification signs; car parks; caravan parks; cemeteries; child care centres; community facilities; drainage; earthworks; environmental facilities; filming; flood mitigation works; helipads; information and education facilities; kiosks; markets; public administration buildings; recreation areas; recreation facilities (indoor); recreation facilities (major); recreation facilities (outdoor); registered clubs; restaurants; roads; take away food or drink premises; water recreation structures.</i></p> <p><i>(4) Except as otherwise provided by this Part, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2) or (3).</i></p> | |
| <p>12 Zone E2 Environmental Conservation</p> <p><i>(1) The objectives of Zone E2 Environmental Conservation are as follows:</i></p> <p><i>(a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,</i></p> <p><i>(b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i></p> <p><i>(2) Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation:</i></p> <p><i>environmental protection works.</i></p> <p><i>(3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:</i></p> <p><i>drainage; environmental facilities, filming; flood mitigation works; recreation areas; roads.</i></p> <p><i>(4) Development for any of the following purposes is prohibited on land within Zone E2 Environmental Conservation:</i></p> <p><i>business premises; hotel or motel accommodation; industries; multi dwelling housing; recreation facilities (major); residential flat buildings; retail premises; seniors housing; service stations; warehouse or distribution centres; except as otherwise provided by this Part, any other development not specified in subclause (2) or (3).</i></p> | <p>Proposed modifications do not include RE2 Environmental Conservation Zoned land.</p> |
| <p>13 Additional permitted uses for particular land</p> <p><i>(1) Development for the purposes of bulky goods premises and timber and building supplies is permitted with consent on land in Zone B2 Local Centre and edged heavy black and hatched on the Additional Permitted Uses Map.</i></p> <p><i>(2) This clause has effect despite anything to the contrary in any other provision of this Part.</i></p> | <p>Bulky goods premises are not included within Stages 1 or 2 of the approved development. These are the 2 stages which are proposed to be modified as part of this application.</p> |
| <p>14 Subdivision consent requirements</p> | <p>No subdivision is included as part of the proposed</p> |

| Provision in SEPP Major Development | Comment |
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| <p>(1) A subdivision of land within the Vincentia Coastal Village site, including a subdivision under the Strata Schemes (Freehold Development) Act 1973 , the Strata Schemes (Leasehold Development) Act 1986 , or the Community Land Development Act 1989 , may carried out only with development consent.</p> <p>(2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:</p> <p>(a) widening a public road,</p> <p>(b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional lots,</p> <p>(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,</p> <p>(d) rectifying an encroachment on a lot,</p> <p>(e) creating a public reserve,</p> <p>(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.</p> | <p>modifications.</p> |
| <p>15 Exempt development</p> <p>(1) The objective of this clause is to identify development of minimal environmental impact as exempt development.</p> <p>(2) Development specified in Exempt and Complying Development Controls-Vincentia Coastal Village that meets the standards for the development contained in that document and that complies with the requirements of this Part is exempt development.</p> <p>(3) To be exempt development, the development:</p> <p>(a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia , and</p> <p>(b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia , and</p> <p>(c) must not be designated development, and</p> <p>(d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977 or that is subject to an interim heritage order under the Heritage Act 1977 , and</p> <p>(e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 17).</p> <p>(4) Development that relates to an existing building that is classified under the Building Code of Australia as class 1b or class 2-9 is exempt development only if:</p> <p>(a) the building has a current fire safety certificate or fire safety statement, or</p> <p>(b) no fire safety measures are currently implemented, required or proposed for the building.</p> | <p>The modifications do not include development that would be exempt development.</p> |

| Provision in SEPP Major Development | Comment |
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| <p>16 Complying development</p> <p><i>(1) The objective of this clause is to identify development as complying development.</i></p> <p><i>(2) Development specified in Exempt and Complying Development Controls-Vincentia Coastal Village that meets the standards for the development contained in that document and that is carried out in compliance with:</i></p> <p><i>(a) the development standards specified in relation to that development, and</i></p> <p><i>(b) the requirements of this Part,</i> <i>is complying development.</i></p> <p><i>(3) To be complying development, the development must:</i></p> <p><i>(a) be permissible, with consent, in the zone in which it is carried out, and</i></p> <p><i>(b) meet the relevant deemed-to-satisfy provisions of the Building Code of Australia , and</i></p> <p><i>(c) have an approval, if required by the Local Government Act 1993 , from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</i></p> <p><i>(4) A complying development certificate for development specified as complying development is subject to the conditions (if any) set out in respect of that development in Exempt and Complying Development Controls-Vincentia Coastal Village.</i></p> | <p>The modifications do not include development that would be complying development.</p> |
| <p>17 Environmentally sensitive areas excluded</p> <p><i>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</i></p> <p><i>(2) For the purposes of this clause: "environmentally sensitive area for exempt or complying development" means any of the following:</i></p> <p><i>(a) the coastal waters of the State,</i></p> <p><i>(b) a coastal lake,</i></p> <p><i>(c) land to which State Environmental Planning Policy No 14-Coastal Wetlands or State Environmental Planning Policy No 26-Littoral Rainforests applies,</i></p> <p><i>(d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997 ,</i></p> <p><i>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</i></p> <p><i>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</i></p> <p><i>(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,</i></p> | <p>The modifications do not include exempt or complying development in environmentally sensitive areas.</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>(h) land reserved as a state conservation area under the National Parks and Wildlife Act 1974 ,</i></p> <p><i>(i) land reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</i></p> <p><i>(j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994 .</i></p> | |
| <p>18 Height of buildings</p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to ensure the scale and bulk of future development is compatible with the existing urban form and surrounding natural coastal bushland,</i></p> <p><i>(b) to ensure that new buildings do not unreasonably affect the amenity of the environment,</i></p> <p><i>(c) to maintain solar access to public reserves, roads and buildings on the site,</i></p> <p><i>(d) to promote development that conforms to and reflects the natural land forms, by stepping development on sloping land to follow the natural gradient.</i></p> <p><i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Building Height Map.</i></p> | <p>The overall height of the approved buildings are slightly lower than the Project Application by approximately 1m at the Moona Creek Road frontage and elsewhere do not propose any to change.</p> |
| <p>19 Gross floor area</p> <p><i>The total gross floor area of all buildings on land in Zone B2 Local Centre within the Vincentia Coastal Village site must not exceed 32,000 square metres.</i></p> | <p>With respect to gross floor area, it is noted that Stages 1 and 2 of the modification to the approved Project Application seek a total combined floor area of 32,000m² which complies.</p> |
| <p>20 Exceptions to development standards</p> <p><i>(1) The objectives of this clause are:</i></p> <p><i>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</i></p> <p><i>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></p> <p><i>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p> <p><i>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i></p> <p><i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> | <p>No variations to development standards are proposed.</p> |

| Provision in SEPP Major Development | Comment |
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| <p><i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p> <p><i>(4) Consent must not be granted for development that contravenes a development standard unless:</i></p> <p><i>(a) the consent authority is satisfied that:</i></p> <p><i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p><i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p><i>(b) the concurrence of the Director-General has been obtained.</i></p> <p><i>(5) In deciding whether to grant concurrence, the Director-General must consider:</i></p> <p><i>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i></p> <p><i>(b) the public benefit of maintaining the development standard, and</i></p> <p><i>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</i></p> <p><i>(6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</i></p> <p><i>(7) This clause does not allow consent to be granted for development that would contravene any of the following:</i></p> <p><i>(a) a development standard for complying development,</i></p> <p><i>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</i></p> <p><i>(c) clauses 18, 19 or 23.</i></p> | |
| <p>21 Relevant acquisition authority</p> <p><i>(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 ("the owner-initiated acquisition provisions").</i></p> <p>Note: <i>If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.</i></p> <p><i>(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the</i></p> | <p>Not applicable with modification.</p> |

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| <p><i>State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).</i></p> <table border="1" data-bbox="268 427 1015 640"> <tr> <td data-bbox="268 427 794 533">Type of land shown on Map</td> <td data-bbox="794 427 1015 533">Authority of the State</td> </tr> <tr> <td data-bbox="268 533 794 640">Zone RE1 Public Recreation and marked "Local open space"</td> <td data-bbox="794 533 1015 640">Council</td> </tr> </table> <p><i>(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</i></p> <p>Note: <i>If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).</i></p> | Type of land shown on Map | Authority of the State | Zone RE1 Public Recreation and marked "Local open space" | Council | |
| Type of land shown on Map | Authority of the State | | | | |
| Zone RE1 Public Recreation and marked "Local open space" | Council | | | | |
| <p>22 Suspension of covenants, agreements and instruments</p> <p><i>(1) For the purpose of enabling development on land within the Vincentia Coastal Village site to be carried out in accordance with this Policy or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</i></p> <p><i>(2) This clause does not apply:</i></p> <p><i>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</i></p> <p><i>(b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989 , or</i></p> <p><i>(c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974 , or</i></p> <p><i>(d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001 , or</i></p> <p><i>(e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003 , or</i></p> <p><i>(f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995 , or</i></p> <p><i>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</i></p> <p><i>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</i></p> <p><i>(4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)-(3).</i></p> | <p>Noted.</p> | | | | |

| Provision in SEPP Major Development | Comment |
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| <p>23 Controls relating to miscellaneous permissible uses</p> <p><i>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Part, the accommodation that is provided to guests must consist of no more than 3 bedrooms.</i></p> <p><i>(2) Home businesses If development for the purposes of a home business is permitted under this Part, the carrying on of the business must not involve the use of more than 60 square metres of floor area.</i></p> <p><i>(3) Kiosks If development for the purposes of a kiosk is permitted under this Part, the gross floor area must not exceed 80 square metres.</i></p> <p><i>(4) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Part, the retail floor area must not exceed 100 square metres.</i></p> | <p>Not applicable to modification.</p> |
| <p>24 Development within the coastal zone</p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</i></p> <p><i>(b) to implement the principles in the NSW Coastal Policy, and in particular to:</i></p> <p><i>(i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and</i></p> <p><i>(ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and</i></p> <p><i>(iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and</i></p> <p><i>(iv) recognise and accommodate coastal processes and climate change, and</i></p> <p><i>(v) protect amenity and scenic quality, and</i></p> <p><i>(vi) protect and preserve rock platforms, beach environments and beach amenity, and</i></p> <p><i>(vii) protect and preserve native coastal vegetation, and</i></p> <p><i>(viii) protect and preserve the marine environment, and</i></p> <p><i>(ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i></p> <p><i>(x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and</i></p> <p><i>(xi) protect Aboriginal cultural places, values and customs, and</i></p> <p><i>(xii) protect and preserve items of heritage, archaeological or historical significance.</i></p> | <p>NSW Coastal Policy is discussed in Section 4.4.2.</p> |

| Provision in SEPP Major Development | Comment |
|---|---------|
| <p><i>(2) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:</i></p> <p><i>(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</i></p> <p><i>(i) maintaining existing public access and, where possible, improving that access, and</i></p> <p><i>(ii) identifying opportunities for new public access, and</i></p> <p><i>(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</i></p> <p><i>(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and</i></p> <p><i>(ii) the location, and</i></p> <p><i>(iii) the bulk, scale, size and overall built form design of any building or work involved, and</i></p> <p><i>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</i></p> <p><i>(i) any significant overshadowing of the coastal foreshore, and</i></p> <p><i>(ii) any loss of views from a public place to the coastal foreshore, and</i></p> <p><i>(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and</i></p> <p><i>(e) how biodiversity and ecosystems, including:</i></p> <p><i>(i) native coastal vegetation and existing wildlife corridors, and</i></p> <p><i>(ii) rock platforms, and</i></p> <p><i>(iii) water quality of coastal waterbodies, and</i></p> <p><i>(iv) native fauna and native flora, and their habitats, can be conserved, and</i></p> <p><i>(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:</i></p> <p><i>(i) on the proposed development, and</i></p> <p><i>(ii) arising from the proposed development, and</i></p> <p><i>(g) the cumulative impacts of the proposed development and other development on the coastal catchment.</i></p> <p><i>(3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</i></p> <p><i>(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and</i></p> <p><i>(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake,</i></p> | |

| Provision in SEPP Major Development | Comment |
|--|--|
| <p><i>coastal creek or other similar body of water, or a rock platform, and</i></p> <p><i>(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.</i></p> | |
| <p>25 Architectural roof features</p> <p><i>(1) The objectives of this clause are:</i></p> <p><i>(a) to ensure that architectural roof features to which this clause applies are decorative elements only and are consistent in form and scale with the surrounding natural coastal bushland, and</i></p> <p><i>(b) to ensure that the majority of the roof features are contained within the prescribed building height.</i></p> <p><i>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 18 may be carried out, but only with consent.</i></p> <p><i>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</i></p> <p><i>(a) the architectural roof feature:</i></p> <p><i>(i) comprises a decorative element on the uppermost portion of a building, and</i></p> <p><i>(ii) is not an advertising structure, and</i></p> <p><i>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</i></p> <p><i>(iv) will cause minimal overshadowing, and</i></p> <p><i>(b) 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 the roof feature is fully integrated into the design of the roof feature.</i></p> | <p>The roof design is not proposed to be altered from that approved in eth Concept Plan and Project Application. No plant will be visible.</p> |
| <p>26 Preservation of trees or vegetation</p> <p><i>(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.</i></p> <p><i>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</i></p> <p>Note: <i>A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, or location or in some other manner.</i></p> <p><i>(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:</i></p> <p><i>(a) development consent, or</i></p> <p><i>(b) a permit granted by the Council.</i></p> <p><i>(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the</i></p> | <p>The provisions are noted and the modification is not considered to trigger this clause.</p> |

| Provision in SEPP Major Development | Comment |
|---|--|
| <p><i>purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.</i></p> <p><i>(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.</i></p> <p><i>(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.</i></p> <p><i>(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:</i></p> <p><i>(a) that is or forms part of a heritage item, or</i></p> <p><i>(b) that is within a heritage conservation area.</i></p> <p>Note: <i>As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 27 will be applicable to any such consent.</i></p> <p><i>(8) This clause does not apply to or in respect of:</i></p> <p><i>(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or</i></p> <p><i>(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or</i></p> <p><i>(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or</i></p> <p><i>(d) action required or authorised to be done by or under the Electricity Supply Act 1995 , the Roads Act 1993 or the Surveying Act 2002 , or</i></p> <p><i>(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993 .</i></p> | |
| <p>27 Heritage conservation</p> <p><i>(1) A person must not, in respect of a building, work, relic, tree, site or place that is a heritage item:</i></p> <p><i>(a) demolish, dismantle, move or alter the building, work, relic, tree, site or place, or</i></p> <p><i>(b) damage or remove the relic, or</i></p> <p><i>(c) excavate land for the purpose of discovering, exposing or moving the relic, or</i></p> <p><i>(d) damage or despoil the tree, site or place, or</i></p> <p><i>(e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the site or place, or</i></p> <p><i>(f) damage any tree or land on which the building, work or relic is situated or on the land which comprises the site or place, or</i></p> | <p>The original Concept Plan included investigations associated with Indigenous and European heritage on the site of the VDC and no matters were identified.</p> |

| Provision in SEPP Major Development | Comment |
|---|--|
| <p><i>(g) make structural changes to the interior of the building or work,</i></p> <p><i>except with the consent of the consent authority.</i></p> <p><i>(2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</i></p> <p><i>(a) is of a minor nature, or is for the maintenance of the heritage item, and</i></p> <p><i>(b) would not adversely affect the significance of the heritage item.</i></p> | |
| <p>28 Bush fire hazard reduction</p> <p><i>Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without consent.</i></p> <p>Note: <i>The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.</i></p> | <p>The site is not impacted by bush fire prone land.</p> |
| <p>29 Infrastructure development and use of existing buildings of the Crown</p> <p><i>(1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007 .</i></p> <p><i>(2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.</i></p> <p>Note: <i>As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development by, or on behalf of, a public authority is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.</i></p> | <p>Noted</p> |

Design Competition

It is noted that the Director-General's previous report states in part in relation to the Design Competition process:

Modification A4 to Schedule 2 of the concept approval required the Proponent to undertake a design excellence competition for the proposed District Centre that was to be assessed by an independent jury panel.

A Design Competition Brief approved by the Department was used by the Proponent to brief three architectural firms that were invited to participate in the design excellence competition. Each of the three participants submitted one design proposal consistent with the approved concept plan (conforming entry) and one non-confirming entry addressing the design, environmental and commercial merits of varying from the concept approval.

From the six design submissions entered into the competition, the jury panel unanimously selected architects Rice Daubney's non-confirming entry as the preferred design subject to a number of modifications. The winning design submission was then modified in accordance with the jury panel's recommendations and it is the modified version of the design master plan that now forms the basis of the project application for Stage 1 of the District Centre.

To this end, the proponent engaged Rice Daubney as the design competition selected architects to work on the modifications. A Design Statement (refer **Appendix C**) accompanies the amended Concept Plan as prepared by Rice Daubney, which ensures that the four main public domain elements are maintained within the amended Concept Plan, as follows:

1. **Moona Creek Rd** is mainstreet; it is activated by two 'gateway buildings' which flank Arbour Walk.

The level of activation is appropriate to a village and is hence scaled to respond and interact with the residential development and forms the interface between the town and house; the experience of the town appropriately announces itself at this interface.

2. **Arbour Walk** is a pedestrian street that continues the residential walk in a seamless transition of the smaller scale elements of the suburb to the larger scale elements of the town; it is orientated and focuses on the water as a reference point continually opening the vista and providing a physical link to the bush.

3. **Canopy Walk** is a pedestrian street with a floating 'parasol' which allows differing degrees of cover while allowing light and shadow into the spaces. It continues the experience of the 'outside' blurring the distinction between inside and outside 'knitting' the individual buildings of the town together.

4. **Boardwalk** is an 'eco' trail where the natural beauty of the bush and water can be appreciated. It weaves its way through all parts of the other experiences from inside to out and is the main visual focus of the town.

In this way, the principles of the selected winning entry will be maintained and minor design iterations associated with the timing and allocation of floor space have evolved since the winning entry. As such, the modification can demonstrate consistency with the Concept Approval and Project Application.

4.3.2 State Environmental Planning Policy Infrastructure 2007

The proposal involves a development of the land for a 32,000m² retail centre.

Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, the proposal triggers the criteria of Schedule 3 being Column 2: *Size or capacity—site with access to any road Shops – 2,000 square metres in area.*

Clause 104 of the SEPP states:

104 Traffic-generating Development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

*(2) In this clause, **relevant size or capacity** means:*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road — the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*
- (4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Halcrow (formerly Masson Wilson Twiney) have prepared an amended traffic and parking assessment which is included as **Appendix K** of this EA.

All traffic and parking impacts associated with the proposed modifications to the approved concept plan and Project Application are discussed in further detail in **Section 6**.

4.3.3 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist determination authorities and developers. The provisions of SEPP 55 state the following at Clause 7:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Based on the known recent land use history, the land has not been used for any specifically contaminating activity identified under the Managing Land Contamination guidelines. The majority of the land is currently not being used for any purpose and is largely vacant, at a minimum the land may have been used for rural agricultural purposes in the past.

The land is not proposed to be developed for a residential purpose, involves only excavation for the purposes of basement car parking and is therefore not proposing a more sensitive use of the land. Further investigation can be undertaken with an Environmental Assessment.

4.3.4 State Environmental Planning Policy No 71 – Coastal Protection

The previous Environmental Assessment Report prepared for the Stage 1 application identified a “small corner of the land” which fell within the “coastal zone”. The proposed modification relates to the Stage 1 approval and therefore SEPP 71 has been considered below.

Table 8: SEPP 71 Clause 8 Matters for consideration

| Matters for consideration: | Comment: |
|---|--|
| (a) the aims of this Policy set out in clause 2, | <p>The previous Environmental Assessment carried out for the Concept Plan and Project Approval demonstrated consistency with SEPP 71. This EAR has built upon those assessments to ensure that consistency with the aims of SEPP 71 is maintained, particularly by:</p> <ul style="list-style-type: none"> • containing the District Centre within the approved footprint and not encroaching into the Environmental Zone to protect the natural setting of the site; • maintaining commitments to provide public access to the coastal foreshore; • implement stormwater mitigation and water quality measures to protect the environment; • protecting and enhancing the coastal vegetation, particularly ecological communities by not encroaching into the Environmental Zone; and • engaging in an architectural design competition process to achieve a built form outcome that has a bulk, scale and size appropriate for the site, the adjoining future residential development and the adjoining Environmental Zone. |
| (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal | The site is at least 2km from Collingwood Beach and this consideration is therefore not |

| Matters for consideration: | Comment: |
|--|--|
| foreshore for pedestrians or persons with a disability should be improved, | pertinent. |
| (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability, | The approved Concept Plan and project Application makes provision for a pedestrian and cycleway connection to Collingwood Beach. This is not proposed to be altered by this modification. |
| (d) the suitability of development given its type, location and design and its relationship with the surrounding area, | The design and built form of the modification as sought to the approved Concept Plan and Project Application for the VDC have been previously discussed. Its design, scale, form and materials will successfully integrate with the future housing on the western side of Moona Creek Road. The landscape treatment is designed to relate to the adjoining Environmental Zone. |
| (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore, | The site is not located along the foreshore and this consideration is therefore not relevant. |
| (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities, | The scenic qualities of the VCV & VDC site have been addressed in the Concept Plan and Project Approvals. By confining the modification of the VDC to generally within the approved footprint and not encroaching on the Environmental Zone, the VDC will be consistent with the scenic quality outcomes. |
| (g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats, | The range of considerations under the Threatened Species Conservation Act has been addressed as part of the Concept Plan and Project Application |
| (h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats | approvals process. In this regard a Species Impact Assessment was prepared and a referral under the Environment Protection and Biodiversity Conservation Act to obtain approval to carry out an Action under the EPBC Act was actioned. The outcome of these studies was the identification of the Environmental Zone as part of the EPBC Act approval. The VDC is located within the developable footprint and does not encroach into the Environmental Zone. |
| (i) existing wildlife corridors and the impact of development on these corridors, | As discussed previously, the WSUD measures incorporated into the modified design ensure that pollutant loads are no greater than current loads to protect the habitat provided by the heathland in the Environmental Zone adjoining the |

| Matters for consideration: | Comment: |
|--|---|
| | <p>VDC. Wildlife corridors were also identified as part of the SIS and EPBC Act approval process. The corridors form part of the Environmental Zone and were one of the range of considerations in determining the developable footprint.</p> |
| <p>(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,</p> | <p>The location of the VDC approximately 2km from the coast provides a generous distance from coastal process and coastal hazards.</p> |
| <p>(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,</p> | <p>The District Centre is located approximately 2km from the coast removing the likelihood of such conflicts.</p> |
| <p>(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,</p> | <p>An archaeological survey for items of Aboriginal and European heritage was carried out in August 2003. No items of Aboriginal heritage were identified, although this was considered to be the result of poor surface exposure rather than a true reflection of Aboriginal site use. The report documenting the survey recommended two areas that should be the subject of preliminary test excavation. Both Potential Archaeological Deposits (PADS) were previously assessed in the Vincentia Master Plan Archaeological Test Excavation Report prepared by Mary Dallas, Dan Tuck and Emeritus Professor RVS Wright January 2006. Both of these PADS are located on the western side of Moona Creek Road and therefore located outside the VDC site. Further the Vincentia Master Plan Archaeological Test Excavation Report concluded that <i>"PAD 1 and 2, also referred to as DEC Site # 58-2-0392 and 58-2-0393 have been shown on test excavation to retain minimal evidence for a sporadic Aboriginal use of these places. Further archaeological investigation is not warranted."</i> No measures were therefore required to protect Aboriginal heritage.</p> |
| <p>(m) likely impacts of development on the water quality of coastal waterbodies,</p> | <p>The WSUD report prepared by Cardno Forbes Rigby proposes a series of WSUD measures that have been modelled to ensure that pollutant loads in stormwater that discharge into the Environmental Zone are no greater than current loads which in turn will protect the</p> |

| Matters for consideration: | Comment: |
|--|--|
| | water quality of downstream coastal water bodies.. |
| (n) the conservation and preservation of items of heritage, archaeological or historic significance, | As detailed previously, the Vincentia Master Plan Archaeological Test Excavation Report found that archaeological investigation is not warranted. The Jerrinja community were consulted throughout the excavation process and they supported the findings particularly that active preservation of the excavation sites was not warranted. |
| (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities, | Not relevant |
| (p) only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient. | (i) All relevant facets of the environment have been comprehensively examined in this EA as part of the modification of the Project Application in light of previous investigations and reporting. |
| Note: Clause 92 of the <i>Environmental Planning and Assessment Regulation 2000</i> requires the <i>Government Coastal Policy</i> (as defined in that clause) to be taken into consideration by a consent authority when determining development applications in the local government areas identified in that clause or on land to which the <i>Government Coastal Policy</i> applies. | |

14 Public access

A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

Clause 14 of the policy requires assessment of an application to ensure it does not impede or diminish the right of access of the public to or along the coast or foreshore. The site is approximately 2km from the coast and therefore this clause does not have relevance. approximately 2km from the coast and therefore this clause does not have relevance.

15 Effluent disposal

The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.

Clause 15 requires special consideration of development that proposes the disposal of effluent by means of a non-reticulated system. The proposed development will be connected to the reticulated sewerage system as previously documented in the Cardno Forbes Rigby report submitted with the Project Application.

16 Stormwater

The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Clause 16 of the policy requires that no untreated stormwater is discharged from the development into the sea, coastal creek or similar body of water. A treatment train of WSUD measures is integrated in to the design of the District Centre to ensure that pollutant loads of stormwater discharging from the site are equivalent to or below existing levels. This has been confirmed in the Supplementary WSUD Stormwater Study prepared by Cardno Forbes Rigby which has modelled pollutant loads to achieve water quality objectives consistent with the WSUD Study prepared by Cardno Forbes Rigby in 2006, 2008 and 2010 for the Concept Plan, Project Applications and this modification.

4.3.5 Jervis Bay Regional Environmental Plan 1996

The Jervis Bay Regional Environmental Plan 1996 identifies aims that development should address when assessing development applications under Clause 4.

The aims of this plan are:

(a) to protect the natural and cultural values of Jervis Bay, and

(b) to allow proposals that contribute to the natural and cultural values of the area.

The proposed modifications are not considered to impact on the compliance of the existing approvals with the aims of the plans as the natural and cultural values of the area will not be impacted by the modifications proposed. As the general development footprint is to be maintained and types of development within the DC are to be retained it is not considered that there are likely to be any additional impacts on landscape quality, cultural heritage or habitat corridors which are also considered in the REP.

4.3.6 South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) was adopted as NSW State Government Policy in January 2007 and the Department of Planning webpage notes:

By 2031, the region's population is expected to reach 226,000 - an increase of 36%. This strategy will guide sustainable growth, providing places to live and work while protecting valuable agricultural and natural assets.

The NSW Government's 25-year land use strategy:

- protects sensitive coastal areas, productive agricultural land and natural resources including water resources and threatened flora and fauna*
- caters for 60,000 more people, 45,600 new dwellings and a variety of house styles to suit smaller households and an aging community*
- locates new development in the right places by promoting growth of existing centres rather than any new towns or villages, and reviewing urban lands in sensitive locations*
- supplies well-located employment lands to support an extra 25,800 jobs, particularly in the tourism and aged care sectors*
- protects the unique character of the South Coast - its rural and coastal towns and villages and pristine natural landscapes.*

The strategy will guide local planning in the three local government areas of Shoalhaven, Eurobodalla and Bega Valley and will be reviewed every five years.

The vision for the plan is a *sustainable, attractive and livable future for the South Coast*. The proposed modifications are considered to achieve the vision through the modified staging to allow increased flexibility in construction timing and to ensure the development is suitable for the intended occupiers through the redistribution of floor areas.

In terms of assessing the economic impact of the amended Concept Plan and Project Application, the proposal has been considered by Pitney Bowes as referenced in the Updated Economic Assessment Report at **Appendix I** and further discussed in **Section 6** of this EA.

As such, the proposed amendments to the Concept Plan and Project Application are considered to be consistent with the SCRS and its intent for the NSW South Coast.

4.4 SHOALHAVEN LEP

Shoalhaven Local Environmental Plan 1985 identifies the local planning controls applicable to the Shoalhaven LGA.

The inconsistencies between the Shoalhaven LEP and both the Project Application and Concept Plan were the subject of the rezoning process via the Major Projects SEPP. The site's inclusion in Schedule 3 means that the VDC relates to a B2 zone – Local Centre under the Standard Instrument (Local Environmental Plans) Order 2006. The proposal was rezoned consistent with the State Significant Site Study and the amendment gazette within the site's inclusion in Schedule 3 of the Major Development SEPP.

4.5 OTHER PLANS

This Environmental Assessment report has considered the State strategic planning documents, to form an understanding of where the subject land fits with the current State strategic planning framework and determine whether the proposed zoning change is consistent with this framework. As such, the State Plan has been considered as follows.

4.5.1 NSW STATE PLAN

On 14 November 2006, the New South Wales (NSW) Premier launched the *State Plan – A New Direction for NSW*. The purpose of the plan is to deliver results from Government services. The State Plan includes a number of goals which the NSW Government is working towards. Specifically, the proposed development will make a contribution towards achieving a number of the key goals of the State Plan.

OUR GOALS OUR PRIORITIES OUR TARGETS

Improved Urban Environments

E5 Jobs closer to home.

- *Increase the number of people who live within 30 minutes of a city or major centre by public transport in metropolitan Sydney.*

E6 Housing Affordability.

- *Ensure the supply of land and a mix of housing that meets demand.*

E7 Improve the efficiency of the road network.

- *Maintain current travel speeds of Sydney's major road corridors despite increase in travel volumes.*

E8 More people using parks, sporting and recreational facilities and participating in the arts and cultural activity.

- *Increase visits to State Government parks and reserves by 20% by 2016.*
- *Increase participation in sporting activities by 10% by 2016.*
- *Increase visits to and participation in the arts and cultural activity 10% by 2016.*

Source: State Plan NSW Government 2006 pp.6 - 7

4.5.2 NSW COASTAL POLICY

The 1997 NSW Coastal Policy sets the context in providing for population growth and economic development at the same time protecting the natural, cultural, spiritual and heritage values of the coastal environment. To achieve this, the Policy has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD).

The Policy addresses a number of key coastal themes including:

- population growth in terms of physical locations and absolute limits
- coastal water quality issues, especially in estuaries
- disturbance of acid sulfate soils

- establishing an adequate, comprehensive and representative system of reserves
- better integration of the range of government agencies and community organisations involved in coastal planning and management
- indigenous and European cultural heritage, and
- integration of the principles of ESD into coastal zone management and decision making.

The management of the coastal zone is the responsibility of a range of government agencies, local councils and the community. The Policy provides a framework for the balanced and coordinated management of the coast's unique physical, ecological, cultural and economic attributes.

The proposed amendments to the approval as sought are consistent with the Concept Plan and Project Application previously approved which were assessed as addressing all of the key requirements of the Coastal Policy as part of the detailed Environmental Assessment.

4.5.3 NSW COASTAL DESIGN GUIDELINES

The diverse beauty of the NSW coast is at risk from developments which pay little attention to urban design principles. Application of the principles set out in the *'Coastal Design Guidelines for NSW'* (Coastal Council of NSW 2003) ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW.

The guidelines provide a world-standard approach for how urban design can be best used in a coastal context.

NSW's Urban Design Advisory Service and Tourism NSW provide direction for the sustainable future of the NSW coast and provide a best practice framework for ensuring that urban design reflects the character of different places. Diversity in design is encouraged and the Guidelines distinguish between different types of settlements so that no single design solution is preferred. The hierarchy detailed in the Guidelines notes that there are 7 different types of settlements being:

- Coastal cities
- Coastal towns
- Coastal villages
- Coastal hamlets
- Inland coastal centres – cities, towns and villages
- New coastal neighbourhoods – hamlets and villages
- Isolated coastal dwellings.

The VCV & VDC falls within the Coastal Villages category. The Guidelines note that coastal villages are small settlements with a population of up to 3,000 people. The Guidelines also describe coastal villages in the following way:

In coastal villages the natural environment dominates in terms of views, environmental systems and vegetation types. Ecological systems surrounding and penetrating the settlement are intact. Informal boundaries exist between urban and natural areas within the village. Extensive and well established landscaping is a feature of both public and private land.

Villages are differentiated from other settlement types by having a small vibrant centre set within a distinctive and intact natural environment.

The Guidelines contain a number of design based principles that relate to defining the footprint and boundary, connecting open spaces, protecting the natural edges, reinforcing the street pattern and designing buildings appropriate for the coastal context. These broad principles underpinned the design process for the overall VCV & DC site undertaken in conjunction with the preparation of the approved Concept Plan documentation. The principles also formed the basis of the detailed design for the District Centre undertaken throughout the Design Excellence Competition. The general design of the District Centre approved in the Concept Plan and the detailed design selected as a result of the Design Excellence Competition established the key foundations for the District Centre. The detailed design documented in the project plan application is consistent with the design initially approved in the Concept Plan and later modified and refined as part of the Design Excellence Competition and as such it too is considered to be based upon the principles of the Guidelines.

The Project Application was previously assessed as consistent with the guidelines and Rice Daubney has implemented a design which is consistent with the previous Concept Plan approval and Project Application approval for the VDC. As such, it is considered that the modification as proposed is also consistent with the guidelines.

4.5.4 NSW DRAFT CENTRES POLICY

At the time of writing, the Department of Planning had released the *Draft Centres Policy* for comment and consultation. The Policy when finalised is intended to provide a planning framework for the development of new and existing retail and commercial centres in NSW.

The draft policy is based on six principles:

- o Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.*
- o The planning system should be flexible enough to enable centres to grow, and new centres to form.*
- o The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.*
- o The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.*

- o *The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.*
- o *Retail and commercial development should be well designed to ensure they contribute to the amenity, accessibility, urban context and sustainability of centres.*

A retail floor space needs and demand assessment has been completed by Map Info which can be found at **Appendix I** which is consistent with the approach outlined in the *Draft Centres Policy*.

4.5.5 Shoalhaven Development Control Plan No 18 – Car Parking Guidelines

The modification is consistent with the car parking requirements of DCP no. 18 and this is discussed in detail in the Halcrow report at **Appendix K**.

4.5.6 Shoalhaven Development Control Plan No 78 – On-Site Sewerage Management

This DCP applies to all land in the City of Shoalhaven that is not connected to a reticulated public sewerage system. At present, the site is not connected to a reticulated public sewerage system; however it is proposed that the development will be serviced by a reticulated sewerage system.

The modification as proposed does not seek to alter the outcomes of the original Concept Plan and Project Application requirements. The existing sewerage system in the Vincentia area forms part of the Northern Shoalhaven Reclaimed Water Management Scheme (REMS). As part of the Project Application for the VDC a detailed Utility Services and Infrastructure Report was prepared by Cardno Forbes Rigby which advised the VDC will be connected to a reticulated sewerage system which is due to be provided with the soon to be constructed pump station at the northern end of Moona Creek Road.

This modification does not seek to alter these outcomes.

4.5.7 Shoalhaven Development Control Plan No 93 Amendment No 1 – Controls for Waste Minimisation and Management

DCP 93 requires the submission of a Waste Minimisation Management Plan (WMMP) with a Construction Certificate for developments that require a Construction Certificate Application. The WMMP will detail the waste minimisation measures to be employed during the construction phase of the development.

The modification as proposed does not seek to alter the outcomes of the original Concept Plan and Project Application requirements. The information submitted with the Project Application for the VDC is still relevant.

For the operational phase of the development, Fabcot has estimated the volumes of waste and recyclable materials likely to be generated by the various tenancies to ensure that the waste facilities designed into the building are sufficient to cater for likely demand. As outlined previously, it is proposed that the District Centre will be provided with the following waste management facilities:

- A dock area with a 27m³ compactor for general waste and a 27m³ compactor for paper and cardboard and co-mingled recycling facilities for use by specialty shops and common areas; and
- A dedicated loading area for both Woolworths and Aldi to manage waste and recycling in accordance with their contractors.

When the VDC is operational Fabcot will impose Centre Management Rules which instruct tenants of the waste management procedures. Fabcot will investigate recycling programs for the centre for paper, cardboard, co-mingled systems for bottles, cans, glass, plastic wrap, organic waste, cooking oil, batteries, fluorescent tubes (if required) and polystyrene foam.

4.5.8 Jervis Bay Settlement Strategy

The Jervis Bay Settlement Strategy 2003 contains a vision for the Jervis Bay Region and a number of principles for managing growth. Vincentia Coastal Village site has been identified in the Jervis Bay Settlement Strategy 2003 as potential urban expansion opportunity.

It is considered that the approved concept plan and project approval for Stage 1 has progressed the settlement strategy opportunity for this site. The proposed modification aims to further progress the implementation of the approvals by reducing the number of stages involved in the construction process and redistributing the floor space to cater for the intended occupants of the VDC.

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5. CONSULTATION

The DGRs did not include any requests in relation to Community or Authority Consultation. The proponent has consulted with the Department of Planning and Council regarding the proposed modification. The following meetings have been held prior to the formal lodgement of the EA and these are noted below:

1. A meeting was held on the 31 July 2009 between the proponent Woolworths/Fabcot and TPG, with the Department of Planning to discuss the process to amend the Concept Plan and Project Application for the Vincentia District Centre – Concept Plan and Stage 1 Project Application – Approval Review. This meeting was held between representatives for the proponent and the Department of Planning to discuss the proposed amendments and various options which may be considered.
2. A meeting was held on the 13 October 2009 between the proponent Woolworths/Fabcot and TPG with the Department of Planning. This meeting was held between representatives for the proponent and the Department of Planning to discuss and provide further information relating to the proposed amendments considered for the current application for modification off the approved Project Application.
3. An informal meeting was held on 29 March 2010 between the proponent Woolworths and TPG with Shoalhaven City Council's Mayor and Director of Planning to discuss the modify project and drawings were presented prior to their finalisation. No minutes were issued following this meeting. At this meeting Council raises a concern regarding the inclusion of the proposed library within Stage 2 of the VDC. It was suggested to Council by Fabcot it is open to Council negotiating a temporary location for the library within the commercial floor space adjacent to Moona Creek Road should the library be required by Council within Stage 1, as the design does not proposed to relocate the library from its approved location, but does propose additional floor space (that is greater than the approved floor space of the library in the existing Project approval).
4. Another informal meeting was held between the proponent Woolworths/Fabcot and Compass Project Management with Shoalhaven City Council's General manager and Director of Planning on 11 June 2010 regarding the proposed modification and issues which affect the Council. No formal minutes of this meeting were issued, however a summary of the details discussed at this meeting can be found in **Appendix R**.

5. A formal meeting was held between Compass Project Management, Halcrow and Cardno on behalf of the proponent Woolworths/Fabcot with Shoalhaven City Council's following staff on 23 June 2010. At the time of writing no formal minutes of this meeting were available. A copy of the agenda for this meeting and Council staff consulted at this meeting can be found at **Appendix R**. Discussions with Council are ongoing.

6. A meeting was held on 30 March 2010 with the Department of Planning in which the modified design was discussed and drawings were presented prior to their finalisation. This discussion included: details of the proposed changes; details to justify the location of the library within Stage 2 and feedback from the meeting with Council; and Rice Daubney providing a demonstration of consistency with the design competition design for the modified design.

6. ENVIRONMENTAL ASSESSMENT

6.1 CONCEPT PLAN

The modified design is consistent with the approved Concept Plan and Design Excellence phase undertaken previously. This is confirmed with the Design Statement prepared by Rice Daubney.

The preliminary assessment included information to show the approved concept plan with an overlay of the proposed modification to the project application which demonstrates full compliance with all aspects of the approved concept plan (06_0060). An updated overlay can be found in **Appendix B**.

6.2 TRAFFIC IMPACTS

Halcrow (formerly known as Masson Wilson Twiney) have prepared a revised Traffic Impact Assessment (**Appendix K**) to take into account any changes to construction and operational traffic as a result of the modified project.

Concept Plan Traffic Impact Study

The two key elements of the Concept Plan pertaining to traffic related matters are the proposed road network and the timing of the delivery of the road infrastructure.

As detailed in this EA Report, Modification A4 to Schedule 2 of the Concept Plan approval required Stockland to undertake a design competition for the design of the VDC.

One outcome of the design competition was the replacement of the east-west 'main street' with a similar functioning street along Moona Creek Road. The VDC therefore does not have a road bisecting its core. Whilst the Project application incorporates a minor variation to the Concept Plan approval the variation is a direct outcome of the design competition process and it is therefore considered that the Project application is generally consistent with the Concept Plan approval in this regard.

Masson Wilson Twiney (MWT) prepared a Transport Report in January 2006 for the Concept Plan application. This report examined the traffic generation of the District Centre. Arising from the traffic studies and in conjunction with Shoalhaven City Council, Stockland proposed a number of Statements of Commitments relating to the provision of road infrastructure which ultimately formed part of the Concept Plan approval (which ultimately formed part of the conditions of approval to the Concept Plan MP 06_0060). MWT also prepared the assessment associated with the Project Application from which it was concluded that the road infrastructure as previously conditioned was not changed. The proposal to modify does not seek changes to the overall outcome or previous conditions included in Concept Plan approval MP06_0060.

The total floor area at Stage 1 of the modified Project is proposed to be 22,600 square metres which is similar to that of the Concept Plan. The total floor area proposed in the VDC remains unchanged at 32,000 square metres.

Halcrow have remodelled the traffic generation estimates for the revised staging and they note that this provides a conservatively high assessment of infrastructure requirements. The result of their analysis is that Stage 1 of the District Centre as now proposed will generate traffic equivalent to the Stage 1 of the Concept Plan approved scheme. The timing of the provision of some of the road infrastructure components reflected in the Halcrow report. Whilst timing for some external road works is proposed to be varied, Fabcot through their negotiations within Stockland at the pre-purchase phase of the VDC land, are able to maintain their commitment to providing all the external road works detailed in the previous approvals.

The amended staging of the road infrastructure and the previously issued conditions associated with road infrastructure has been discussed within the Halcrow Report in which responsibilities are also assigned.

Car Parking Provision

A total of 1,090 car parking spaces are provided for Stage 1 of the VDC with a total at the completion of Stage 2 of 1,355 spaces. Disabled car parking spaces have been provided within each of these car parking areas to ensure that the spaces are evenly distributed around the site to maximise convenience. The Revised Traffic Report prepared by Halcrow has established that the car parking provision is adequate having regard to Shoalhaven DCP No. 18.

Buses and Taxis

The design has made provision for buses and taxis within Moona Creek Road. Details of Moona Creek Road has been prepared as part of the modified design as shown in Cardno Forbes Rigby drawings along with the landscape drawings and architectural drawings. These drawings indicate that the road reserve has been made sufficiently wide to accommodate a bus bay on both the western and eastern sides of Moona Creek Road.

The location of the bus stops is the same as the Project approval so as to enable flexibility in planning bus routes. Buses can either come from Naval College Road up Moona Creek Road, or enter the residential estate from the west and circulate through the residential area joining Moona Creek Road before returning to Naval College Road.

The three taxi bays are proposed on Moona Creek Road to the north of the centre have been maintained. The revised Traffic Report notes that in a centre such as Vincentia, there is unlikely to be sufficient demand for taxis to wait for customers and a taxi call system will therefore be provided.

Loading and Unloading Arrangements

Loading bays are provided for Stage 1 of the VDC. Big W, Woolworths and Aldi supermarkets will have dedicated loading docks, in addition loading facilities are proposed for the specialty shops. These have been located to ensure they may be conveniently accessed from the supermarkets, DDS and specialty shops. The loading bays will also be accessible to specialty tenancies with discrete service corridors providing access from common areas. Each loading bay has been provided with minimum turning circles to ensure swept path movements for large trucks up to 19m articulated trucks to perform a u-turn within the loading bay.

Site Access Arrangements

Access to Stage 1 of the District Centre is proposed from the intersection of Moona Creek Road with Naval College Road and Intersection D on Wool Road. This intersection is being designed as part of the residential subdivision but to a standard suitable for the needs of the VDC. As a result of Intersection D so too upgrade works and Intersection E proposed to form part of this application refer to the Concept Plans as part of **Appendix E**.

Halcrow have checked swept path movements into and out and level of service for the site that intersection and carriageway width of Moona Creek Road is sufficient to accommodate trucks travelling the route from Naval College Road. Masson Wilson Twiney has also verified by Auto Turn analysis that the driveway access points into the car parking areas and the internal road network of the car parks will be adequate to cater for service vehicles.

Treatments to Ameliorate Adverse Traffic Implications

The design of the road network and internal road layout has largely removed the need for supplementary treatment to manage traffic impacts. Specifically, Halcrow note that traffic impacts have been addressed in the design through the use of:

- appropriate design of car parks;
- provision of raised pedestrian thresholds in Moona Creek Road;
- design of car parking to facilitate pedestrian movements;
- segregation of vehicle loading areas; and
- restriction of loading and servicing.

Pedestrian & Cycle Movements

The VDC has been designed with logical and convenient pedestrian and cycle connections within the site and between existing areas and the proposed residential areas on the western side of Moona Creek Road. Specifically the design includes:

- clear and logical pedestrian pathways through the VDC in the form of the wide avenues of Arbour Walk and Canopy Walk;
- clear pedestrian connections from the car parking areas to canopy walk;
- dedicated pedestrian pathways through the northern car parking area;
- a strong visual focal point on Moona Creek Road connecting with Halloran Avenue on the western side;
- two pedestrian crossings on Moona Creek Road located near the bus stops and towards the northern end of the VDC;
- establishment of pathways to and around the water quality pond to provide for future pedestrian connections associated with Stage 2 of the VDC; and
- cycleway connection along the route of the future road connection to The Wool Road providing connectivity with the existing cycle path along The Wool Road, Vincentia High School, Bay and Basin Leisure Centre and Vincentia beyond.

6.3 URBAN DESIGN

The amended design as prepared by Rice Daubney includes the same design principles as that which were included within the approved Project and the design competition (as Rice Daubney have been involved in all phases of the development) this is embodied within the Design Statement which can be found at **Appendix C**, and can be summarised by the following:

1. The proposed modified siting of buildings and the design is not considered to have an unacceptable level of impact on privacy, views of adjoining neighbours and overshadowing of surrounding areas.
2. The proposed modified design maintains the same provision of publicly accessible open space and recreational areas within and around the site.
3. The proposed modified design provides for the same Gross Floor Area of the overall development.
4. The modified design is considered to comply with the design principles (as modified by the recommendations of the Stockland Design Competition Jury Panel Report winning design (prepared by Rice Daubney, August 2007) of the Design Excellence Competition.

In relation to the matters raised by the Department, Rice Daubney have advised:

The intention to 'blur' the distinction between inside and out through the use of materials as outlined in the design statements provided from design competition, through project application and modification continues as a characteristic of the development. The external palette of materials will be incorporated into the interiors and interposed with additional materials which will graduate from outside to inside and back outside. Since the new Stage 1 incorporates a predominant fashion mix it is appropriate that the materials also reflect a finer finish and materiality balanced against the raw palette of the exterior and that this strategy follows the notion of a seamless indoor outdoor transition. This 'gradation' will add to the experiential quality of the town adding a further layering to the material palette and continues the public domain. Both statements noted in the comments are correct. The intent of the design is to aim to provide sufficient natural light to canopy walk however the commitments made to Green Star rating coupled with the limitations imposed by Part J may in detail design require a balance between the amount of natural light and the resultant heat gain. A detailed ESD analysis will balance these aspects to provide the most appropriate sustainable outcome as is appropriate.

Rice Daubney as part of the original design competition in 2007 produced a series of diagrams and 5 key strategies covering:

1. *Public Domain*
2. *Built Form*
3. *Sustainability*
4. *WSUD*
5. *Materials*

These strategies were further re iterated in the project application submitted in early 2008 where the same strategies were stated using the original series of diagrams and associated concepts. The project modification reinforces the same strategies and again uses the original diagrams referencing the original concepts present in the design competition submission.

In terms of the public domain specifically the key concepts centre on the principle that it is not only about the buildings but the spaces formed by the buildings. Public domain is therefore about spaces. The Vincentia town centre explores and celebrates the spaces of the town which include:

1. *Moona Creek Road*
2. *Arbour Walk*
3. *Canopy Walk*
4. *Boardwalk*

These places and their individual characters were described in the original competition and have been reiterated in all subsequent applications remaining unchanged in location and concept

These places of the town support the original strategies for the public domain which include:

- a. *Discovery- diversity of experience through the compression and decompression of space*
- b. *A variety of places and spaces rather than materials and elevation*
- c. *It's all public domain from the carpark, as a pedestrian, shopping, going to the library riding on the boardwalk, walking on Moona Creek Road.*
- d. *The town mediates between the residential and commercial function*
- e. *The concentration of activity at points*
- f. *A focus on the natural attributes of the site- the bush and water are repeatedly framed and referenced*
- g. *The form of the buildings respond to the pedestrian scale- lowering to create intimacy and uplifting to emphasize.*

In conclusion the key philosophies and strategies which were formulated at the time of the design competition and then taken into the Project application remain as the conceptual base for the project modification.

6.4 VISUAL IMPACTS

The low scale of buildings will assist in minimising visual impacts. Existing and proposed landscaping will tie into the VDC and surrounding vegetation as the landscape architects at Clouston Associates have worked on both the VCV and VDC.

The street tree planting along Moona Creek Road will provide a strong landscape theme to assist in integrating the commercial/retail uses and residential uses on either side of Moona Creek Road. The use of 'raw' materials including metal cladding, weathered and raw timber, prefinished steelwork, louvres and metal screens, stretched canvas and stone wall will reduce visual impacts and improve the visual experience of the VDC. It is considered that the visual impact of the modified development will be equivalent to that assessed as acceptable with the approved Concept Plan and the approved Project Application for the VDC.

It should be noted that the overall height of buildings have been lowered when compared to the approved project by approximately 1m; the footprint of the development has been generally maintained when compared to the approved Concept Plan and the elevations and landscaping treatment within the modified development are the same as that envisaged with previous approvals given that the same design team have been employed, the materials and finishes are the same as that approved and the planting schedule is the same.

6.5 SOCIAL IMPACTS

The proponent has been considering issues associated with the social impacts of the proposed development and the positive flow-on effects being broader than just economic associated with the provision of a new retail centre for Vincentia. This has been reflected in the report prepared by Elton Consulting (refer to **Appendix J**) who previously prepared reports associated with the Concept Plan and Project Plan. The issues considered have included:

1. The social context of the modified development in terms of community services and facilities;
2. The DGEAR request to consider the provision of the library as a community facility within stage 1; and
3. Justifications for the delay of the provision of the library facilities.

6.6 STREETScape AND PUBLIC DOMAIN

The modified project has been accompanied by landscape architectural drawings prepared by Clouston Architects (refer to **Appendix D**) which demonstrate that the design includes the same landscape, ESD and public domain principles as incorporated within the approved project, including such matters as: bioswale details, the same planting schedule, bike path connection, landscape buffers and maintenance and management measures. The Draft Statement of Commitments has been prepared to include the same requirements as the project approval in relation to landscaping.

6.7 NOISE AND LIGHT IMPACTS

A revised noise report has been prepared by Heggies which can be found at **Appendix H**. Heggies have advised in relation to the matters raised:

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The nearest receivers are located adjacent to and west of Moona Creek Road. These are part of the Stockland residential development. The nearest existing receiver is west of the Moona Creek Road and Naval College intersection, being approximately 45 m from the intersection.

Heggies report 10-3015-R3 has been updated to reflect the retirement living has been approved. It is also noted that there is a separate noise assessment for the Retirement Living Village and the Director-General's Environment Assessment Report recognises the Proponent has committed to an acoustic wall to mitigate noise from traffic.

The nearest dwellings to the DDS, being adjacent to and west of Moona Creek Road have been included in the assessment.

Appendix A of report 10-3015-R3 is the 'Acoustic Terminology used in the Report. It is assumed the matter refers to the Site Plan of Appendix B, which has been updated.

Project Application MP08_0096 for the Bayswater Retirement Village is not proposed to be modified by this Modification. It is noted that a condition was imposed on this Project Application approval which requires a Section 88B Instrument over the Bayswater Retirement Village site. Stockland are implementing those conditions as part of their development and have advised via email dated 15 June 2010: Retirement living project approval has been granted. Location is directly north of Stage 2 as per the plan attached. Yes, the acoustic treatments on the affected lots have been included in the Stage 2 88b.

The issue of the adjoining property has been detailed at page 20 of the Director-General's Environmental Assessment report dated January 2009 advises in relation to noise:

The Proponent has identified several exceedances of the LAeq noise criteria generated from the proposed Vincentia District Town Centre during the day and night time periods. This is largely attributable to noise generated from traffic entering and exiting the northern access to the proposed District Centre. To mitigate these impacts, the Proponent commits to the provision of an acoustic wall (approximately 1.8 metres in height) along the Moona Creek Road frontage to be constructed from the south-west corner of the RLV site terminating north of the roundabout with Moona Creek Road and south of ILU 75 (SoC item 37).

In its assessment of the project application, the Department sought clarification of the likely reduction in noise levels that would be achieved through provision of the acoustic wall. In response, the Proponent confirmed that the noise reduction will be in the order of 6dBA to comply with the noise criteria. In order to ensure the noise impacts to dwelling is minimised upfront, a condition of approval is recommended to ensure the noise wall is constructed prior to the occupation of the affected dwellings.

Noise impacts specific to the proposed District Centre (mechanical plant and loading docks) are considered as part of the Department's assessment of the project application for Stage 1 of the Vincentia District Town Centre (MP 06_0025).

The Heggies report recommends the same types of mitigation measures for the development during the construction phase and that the development when operation will have similar impacts as that assessed previously for the overall development.

In addition Heggies have prepared a lighting statement which indicates the detail design should include a number of recommendations to ensure light spill is directed away from the sensitive areas such as the environmental zone and nearby residential areas, refer to **Appendix G**. However as the design does not include all the details associated with lighting, the recommendations of the report have been incorporated into the Draft Statement of Commitments.

Therefore, it has been demonstrated that the proposed project as modified will not create unacceptable impacts from noise (including traffic and plant noise) and light spill (including impacts on flora and fauna) during the construction and operational phases of the development, subject to the recommendations which have been included in the Draft Statement of Commitments.

6.8 WATER QUALITY AND WASTE MANAGEMENT

Updated the Soil and Water Management Plan details (prepared by Cardno Forbes Rigby which can be found at **Appendix F**) to reflect the modified design will ensure the modified development safeguards the aquatic environment across the entire development footprint and mitigates impacts on water quality (including surface and groundwater).

Updated the details (including modelling), on the drainage and stormwater management measures to be incorporated on site, including the onsite stormwater detention and water sensitive urban design measures to reflect the modified design have been prepared by Cardno Forbes Rigby (refer to **Appendix F**). This information demonstrates that the amended WSUD measures are consistent with the WSUD measures outlined in the approved Concept Plan.

In addition, as a result of the modified design Cardno Forbes Rigby have assessed the cumulative impacts in terms of flooding with consideration of climate change, as being acceptable.

Cardno have advised in relation to the matters raised by the Department:

All Cardno drawings are prepared for a final printing at A1 size. All drawings however have a 'scale bar' that is used for scaling any plot at anything other than A1 size.

Cardno drawings 46720 and 46721 detail concept soil and water management measures for the 'entire' Vincentia MarketPlace site. The reference to 'Stage 1A and 1B' in the title blocks refer to the sequence of works required for the entire site. Notwithstanding the concept details provided on the plans, final construction certificate designs will need to be prepared for certification by Council or Private Certifier prior to commencement of construction.

No further plans are required at this stage.

Access is still provided along the top of the embankment. The modified design eliminates the retaining wall and uses a batter.

The ponds are a 2 tier system. We've also added an overflow weir to assist in discharging high flows (i.e. 1% AEP) that will direct these high flows away from the wetland. There are no other changes.

Flow rates are provided for the full range of events in Table 4.3 of the Cardno report.

There is no need for any Commitments to be referenced / complied within the Cardno report. Section 1.6 has been removed.

Section 4.4 discusses flood related flows. Section 5 describes the WSUD modelling and Table 5.1 presents results for Stage 1 and Stage 2.

All assumptions have been checked and validated. Roof areas and pond volumes do relate to the drawings detailed with Modification 2. All irrigation and car park areas relate to the modified project.

6.9 ADJOINING LAND

Potential impacts on adjoining land were investigated with the original Project Application and have been reinvestigated. Water quality and quantity can be managed consistent with the performance objectives established as part of the Concept Plan and Project approval such that pollutant loads and discharge of water onto the Environmental Zone does not cause adverse impacts. Erosion and sediment control is proposed to be managed through the implementation of the erosion and sediment control plan prepared by Cardno Forbes Rigby.

There are no APZs required for the VDC thereby avoiding the need for fire management within adjoining land. Habitat fencing will control unregulated access into the Environmental Zone whilst still being permeable to flora and fauna.

It is noted that the Director-General's Environmental Assessment report states at page 22:

The Proponent proposes to install bollard lighting around the perimeter of the car parking areas and pole lighting will be placed more centrally within the car parking areas. In this regard, a condition of approval is recommended to ensure that all external pole lighting is directed to the ground. This will avoid light spill to the adjoining Environmental Zone and ensure that there are no unreasonable light impacts on the habitat, particularly for local fauna, and to the future residential areas on the western side of Moona Creek Road.

Furthermore, the landscape treatment in the car parking areas will provide a canopy cover to filter and reduce light spill to adjoining lands. Therefore, it is considered that light impacts have been satisfactorily addressed in the Proponent's EA and the Department's recommended conditions of approval.

Modification 2 does not seek to alter these outcomes.

Potential light spill will be controlled through the placement of lighting with "hoods" within car parking areas and directing light away from the Environmental Zone. Also minimisation of light spill can be achieved with use of low level bollard style lights along the perimeter of the northern car parking area with taller lights removed from the boundary and residential properties on the western side of Moona Creek Road.

Taller lights will be designed to limit the illuminated area to the car park to minimise impact. The landscaping strategy with varying canopy heights will also provide a filtering effect of the taller light poles. Further studies into the spill impacts will be undertaken when lighting fixtures are selected within the VDC.

6.10 OTHER ISSUES / CONSIDERATIONS

6.10.1 Utilities and infrastructure

As part of the Project Application for the VDC, Cardno Forbes Rigby prepared a detailed Utility Services and Infrastructure Report. The proposed modification does not seek to alter the outcomes of these investigations and appropriate services and infrastructure will be augmented and provided to service the modified development.

6.10.2 Economic Impact

An Updated Economic Impact Assessment dated September 2009 has been prepared by Pitney Bowes based on the Preliminary Sketch being the prelude to the Preliminary Amended Concept Plan as prepared by Rice Daubney.

This report discusses the changes to the staging and assesses the impact for Stages 1 and 2 of the Project Application in detail.

The changes in floor space and timing of the VDC have been considered and the report states in part:

These comparisons illustrate the following:

- *Projected sales levels for existing retailers throughout the trade area, post the development of Stage 1 of Vincentia District Centre in 2010/11, would be on average 1.7% lower than the current estimated 2008/09 sales.*
- *As compared with the sales volume which all other retailers in the main trade area are projected to achieve in 2010/11 if the Vincentia Town Centre did not proceed, the post development sales volume would be on average 8.5% lower.*

The likely impacts detailed above are estimated average impacts across all trade area retailers. Some trade area retailers are likely to be impacted more than others based on the offer, their competitive situation in relation to Vincentia Town Centre and the tenant mix.

As a result of the at present limited retail offer in the main trade area, existing retailers are currently trading strongly. While the impacts detailed above are not insignificant, they are expected to be neutralised in a few years, as projected solid population growth continues in the trade area. Furthermore, the greatest impact of the proposed Vincentia District Centre development is expected to come from the retention of retail expenditure currently "escaping" to larger facilities beyond the defined trade area.

Using the same methodology employed in Table 3.3, Table 3.4 presents a summary of the growth in retail spending generated by the trade area population, compared with projected sales for Stage 2 of the Vincentia Town Centre, assuming Stage 1 of the development proceeds. All sales are expressed in constant 2008/09 dollars and include GST.

In summary:

- *Projected sales levels for existing retailers throughout the trade area, post the development of Stage 2 of Vincentia Town Centre in 2013/14, would be on average 5.3% higher than the estimated 2010/11 sales, which assume that Stage 1 has commenced trading.*
- *Relative to 2013/14 sales projections assuming Stage 2 does NOT proceed, the post-Stage 2 development sales volume of existing retailers is expected to be on average 5.6% lower. In other words, retailers throughout the main trade area are likely to have their sales reduced in 2013/14 as a result of the proposed Stage 2 Vincentia Town Centre development, but only slightly.*

As such, the proposed revised staging and amendments will not result in adverse economic impacts.

6.10.3 Flora and Fauna

The proponent has not undertaken any further ecological investigations on the site, this is due to the site having already been the subject of extensive investigations and the subject of numerous approval processes. The changes sought to the approved Project Application will not result in intrusions into the sensitive portions of the site, nor seeks to change approved details adjacent to the sensitive portions of the site such as the Environmental Zone. No portion of the proposed modification encroaches beyond the boundary into the Environmental Zone. The landscape treatment adjacent to the Environmental Zone has been carefully considered by Clouston and this is reflected in the modified landscape drawings.

A habitat fence is proposed along the boundary with the Environmental Zone and the VDC and will be the same form of fencing which has been constructed elsewhere in the residential subdivision. The fence is designed to function as a barrier to people gaining access to the Environmental Zone whilst also being permeable to flora and fauna.

6.10.4 Natural Hazards

The original Concept Plan and Project Application (including its various amendments) has been the subject of numerous investigations which indicated that a VDC in the location proposed would not be impacted by any natural hazards. The previous reporting on the natural hazards, including: bushfire, acid sulfate soils and flooding have been considered in the previous Environmental Assessments and are not proposed to be reinvestigated as the modification to the Project Application is generally consistent with the original Concept Plan for the VDC.

6.10.5 Heritage

The portion of the site on which the VDC is to be located does not contain any known European Heritage items or European archaeological heritage.

While the site is highly disturbed, it is understood that investigations concerning Indigenous heritage have been undertaken as part of the previous Environmental Assessments and further investigations are not proposed at this time.

6.10.6 Landscape Strategy

The landscape works proposed as part of this modified Project Application for the VDC are consistent with the rationale and principles as set out in the Landscape Masterplan report prepared by Clouston Associates as part of the VCV & VDC Concept Plan approval.

6.10.7 Accessibility

An access report has been prepared to assess the design changes within Modification 2 drawings and this can be found at **Appendix O**. This report has assessed the proposed design changes as acceptable.

6.10.8 Crime Prevention

The modification seeks to implement the CPTED principles as demonstrated in the previous approval. As such, it was considered that a new assessment report was not required.

6.10.9 ESD

The technical investigations undertaken and which form part of this assessment, demonstrate that the land is capable of urban development to the intensity of a retail centre in the site location proposed.

The location of the proposed development has been chosen to provide for a suitable buffer along the Pipers Creek frontage of the site. The development can ensure that the “sensitive coastal zone” that is all of the land within the first 100m from the mean high water mark of Pipers Creek, remains undeveloped. Linkages can be maintained along the waterfront for fauna, along with screening to minimise the visual impact of the development from Pipers Creek.

Fabcot have consciously implemented a program to reduce their carbon footprint which starts with the construction and fit-out process of all new retail facilities.

The urban design strategies adopted by Rice Daubney to ensure that greenhouse gas emissions, energy consumption and water consumption are minimised during construction, operation and maintenance of the VDC are detailed as follows:

Siting

Passive means of climate control is fundamental to the concept of sustainability. Accordingly, the buildings and spaces that comprise the VDC have been designed having consideration for the natural elements being, the sun, the wind and the rain.

In addition, buildings have been sited having consideration for the topography of the land in order to minimise cut and fill.

Energy

The major retailers such as the supermarkets are proposed to be connected into the main chiller and water system to deliver overall system efficiencies. In terms of energy usage, skylights will provide sufficient natural light to the more enclosed spaces to mitigate the need for artificial light.

It is envisaged that where function and pedestrian movement dictate, the public domain will be more enclosed. For example, the public domain areas in front of the supermarkets may be fully enclosed, however as pedestrians move out towards the car park or Moona Creek Road, the amount of closure will become less and less. The public domain will therefore be mixed mode and control over temperature and humidity will be provided by blurring the transition from inside to outside.

Water

Water from the roofs will be collected for re-use. This process will be showcased to pedestrians via articulated cantilevering gutters falling into rain water tanks. Water collection will also be highlighted by the use of bio-swales in the car park and the ability to track the water collected to the main water pond.

Materials

Because the skins of the built form will be predominantly lightweight and panelised on a steel structure, they are capable of being unbolted and re-used. It is also envisaged that where possible, recycled materials from sustainable or recycled sources will be used.

In addition to Rice Daubney adopting sustainable urban design strategies, Cundall (a specialist ESD consultancy practice) were commissioned to undertake a number of assessments as part of the Project Application Environmental Assessment to ensure that the sustainability obligations agreed to as part of the Concept Plan approval and the associated Statements of Commitment were integrated into the Stage 1 of the VDC approval. The outcomes of the Cundell report are not sought to be altered in this modification and have been considered in the amended design by Rice Daubney.

Sustainability Commitment

Modification 2 does not seek to alter the outcomes of the ESD commitments or in this regard the conditions of the previous approval. Strategic Paradigm have prepared a report which can be found at **Appendix Q**.

The information at Appendix Q supplements the previous environmental assessment undertaken with the Concept Plan and Project Application approval processes which investigated a broad range of issues including flora and fauna impacts, geotechnical and hydrogeology investigations, bushfire impacts, social infrastructure, transportation, Aboriginal and European heritage impacts and sustainability opportunities.

The VDC has been sited having regard to these studies and consultations with the community and government agencies. The formal nomination of the Environmental Zone ensures that the footprint of the VCV & VDC is clearly defined to preserve land of environmental significance. The VDC is contained within the approved footprint and does not encroach into the Environmental Zone.

As part of the previous EA for the Project Application, a further set of studies were undertaken to ensure consistency with the Concept Plan approval particularly in relation to stormwater, flooding, water quality, traffic and transportation, services and infrastructure. In addition, the Design Competition which preceded the commencement of the approved Project Application gave detailed consideration to the architecture and urban design of the proposal.

Further assessments of the more detailed aspects of the modified design have also been undertaken as part of this EA. These have included traffic and parking arrangements, landscape design, interface with adjoining land (including the Environmental Zone and western side of Moona Creek Road), water management, erosion and sedimentation, acoustic impacts, lighting impacts, and social considerations.

None of the studies undertaken as part of the Concept Plan, the previous VDC Project Application or Modification 2 have revealed any uncertainty regarding potential impacts sufficient to adopt a precautionary approach to either delay or prevent the project from progressing.

The findings and recommendations of the specialist consultant reports have identified and assessed potential environmental impacts and developed appropriate mitigation measures in addition to recognising the various positive impacts that the VDC can deliver to Vincentia including:

- WSUD measures to manage on site and upstream stormwater and improve water quality;
- water quality monitoring programs and maintenance of the WSUD elements to ensure their on-going success;
- the implementation of soil and water management measures to mitigate against surface water run-off and sedimentation of the adjoining Environmental Zone;
- maintenance programs for the landscaping; and
- acoustic treatments and construction requirements to mitigate against potential impacts to the future residential areas on the western side of Moona Creek Road.

The impacts that have been identified in the assessment of the modified Project can be appropriately managed and have not been found to result in serious or irreversible environmental damage as a consequence of the proposal.

7. DRAFT STATEMENT OF COMMITMENTS

As outlined in Table 2 of Section 2 in this EA report, a number of approvals have been granted by the Minister for Planning for the Vincentia Coastal Village (VCV) and the Vincentia District Centre (VDC).

Each of the Instruments of Approval granted to the VCV (including its various Modifications) remain the responsibility of Stockland, except for specific elements which are discussed as follows for the VDC. It is also noted that each of these Instruments of Approval make reference to the various Statement of Commitments prepared for the previous proponent being Stockland.

The Instrument of Approval to the VDC and Modification 1 can be found at **Appendices L** and **M**.

A number of ancillary development matters which are external to the development, formed part of the Stage 2 of the Concept Approval for the VDC and were not triggered by the approved Project Application for the VDC but nonetheless were assessed in the Director-General's Environmental Assessment Report dated December 2008 and were also conditioned in the Minister's Instrument of Approval. These have now been considered carefully, and this Modification specifically seeks changes to the description of the development and ancillary works which are required externally of the site, including:

1. Revised description,
2. Intersection "D" to Wool Road; and
3. Bay and Basin Leisure Centre (BBLC) access road and Intersection "e" to Wool Road.

The description of this modification is detailed in Sections 3.1, 3.2 and 3.3 and this revised description is reflected in the Draft Statement of Commitments.

The following information addresses Intersections "D", "E" and the Bay and Basin Leisure Centre (BBLC) access road.

As the revised Staging requires the implementation of Intersection "D" at the time Stage 1 is operational, so too it is understood by the proponent that this triggers the need to relocate the existing access road to the Bay and Basin Leisure Centre, so as the new intersection can function. The proponent has been in discussions with Shoalhaven City Council senior staff and technical experts on these issues. A number of options have been and are being explored both as temporary and long term solutions.

It should be noted in the Revised Traffic report by Halcrow which can be found at **Appendix K**, this report discusses the external road works required at Section 2.3 and advises:

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The effects of the traffic generation of the proposed District Centre together with those of continuing background traffic growth were examined exhaustively in the traffic reports prepared for the now approved Concept Plan.

Arising from these studies together with consultation with Shoalhaven Council a series of improvements to the surrounding road system were identified and incorporated in a Statement of Commitment (SoC) which comprises part of the Concept Approval. These are indicated on a plan in Appendix A of this report and are summarised in Table 2.1.

For the 2008 application deferral of some road upgrade items in the statement of commitment was sought because only a small first stage was then proposed. As a larger first stage is now proposed such deferral is no longer sought.

The report by Halcrow also references the Statement of Commitments for the Concept Plan for the VDC, specifically

It is noted that a number of issues remained unresolved at the time of the Project Application for the VDC was approved concerning Wool Road. The Director-General's Environmental Assessment report dated December 2008 (copy at **Appendix L**) at page 13 advises:

The approved SoC included a commitment by the Proponent to construct a signalised intersection of The Wool Road, the access road to the Bay and Basin Leisure Centre (BBLC) and the access to the Vincentia High School. (access "E"). As a consequence of the EPBC approval, the approved access road to the BBLC forms part of the Environmental Zone and its location is currently being reviewed by the Proponent. The potential location of the new access road is immediately to the east of the developable footprint on land owned by Shoalhaven Council, which will require owner's consent. Therefore, the timing of the construction of the BBLC access road has been deferred to within 12 months of the issue of a construction certificate for the road (SoC item 28).

Shoalhaven Council raised concern over the deferred provision of the access road to the BBLC and the proposed design and location of the road. In this regard, the Department notes that the timing of the construction of the BBLC access road is not a determining matter in the project application. However, the Department is concerned that the Proponent's timing may lead to uncertainty as to when this intersection will be delivered and a condition of approval is recommended to ensure the BBLC access road is constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 2 of the District Centre.

Furthermore, the Department recommends that the Minister's approval explicitly state that it does not extend to the design and construction of the BBLC access road so that final design requirements or the potential impacts associated with the works do not need to be resolved within this project application.

It is considered that this Modification has resolved the issues raised and will now enable the Draft Statement of Commitments to include intersection "D". A concept design drawing forms part of the civil drawings which can be found at **Appendix E**. In addition, the intersection for the new access to the BBLC is also shown as a concept design drawing and forms part of the civil drawings at **Appendix E**. The proponent has been working through a number of options to resolve the installation of intersection "D" on Wool Road and its impact, including:

1. Removal of intersection "D" with the inclusion of a 5th leg at the roundabout at the intersection of Wool Road with Naval College Road. Council have advised they are opposed to this solution on a number of grounds;
2. Moving Intersection "D" so as to achieve a 90m separation between the new intersection and the existing access to the BBLC, by moving to 130m of the roundabout at Naval College Road. Council have advised they are opposed to this solution and that this will not get the support of the RTA on a number of grounds;

3. Provision of a temporary solution to maintain access to the BBLC with minor modifications to the existing access at the time intersection “D” is installed until Stage 2 becomes operational at the VDC and the final access into the BBLC is resolved. Council have advised they are opposed to this solution of a number of grounds;
4. Modification of the design to allow only left-in/left-out access at Wool Road;
5. Modification of the design to remove the access to Wool Road and reduction of the car parking in Stage 1;
6. Provision of a new access road into the BBLC from Wool Road over land owned by Council with the installation of intersection “D” on Wool Road with Stage 1. DECCW have advised that this location would affect habitat of the Bristle Bird;
7. Provision of a new access road into the BBLC from Wool Road over land within the E2 Environmental Zone. This option is discussed in detail below.

The location of the access road into the BBLC has formed part of various discussions with Shoalhaven City Council and DECCW. Issues relating to the entry point and changes associated with the BBLC car parking area are currently ongoing with Council.

The proposed location of the new access road into the Bay and Basin Leisure Centre is shown in the diagram which accompanied the email communication with DECCW dated 6 July 2010 (a copy of which can be found at **Appendix R**). The location for the new access road is within a cleared section of the eastern edge of the “Environmental Zone” adjacent to the existing BBLC boundary from Wool Road, which is currently between 6 and 8m wide (but may require widening to accommodate a footpath adjacent to the new roadway and verge. This cleared portion of the E2 zone is currently utilised for water and sewer mains within an easement and has a constructed pathway within the clearing.

This portion of land in which the new access road is proposed falls under Schedule 3 Part 29 Vincentia Coastal Village of State Environmental Planning Policy (Major Development), and as such the Minister for Planning is the consent authority.

The portion of land proposed to be utilised is zoned E2 under the zoning map, as shown in Figure 4 as follows:

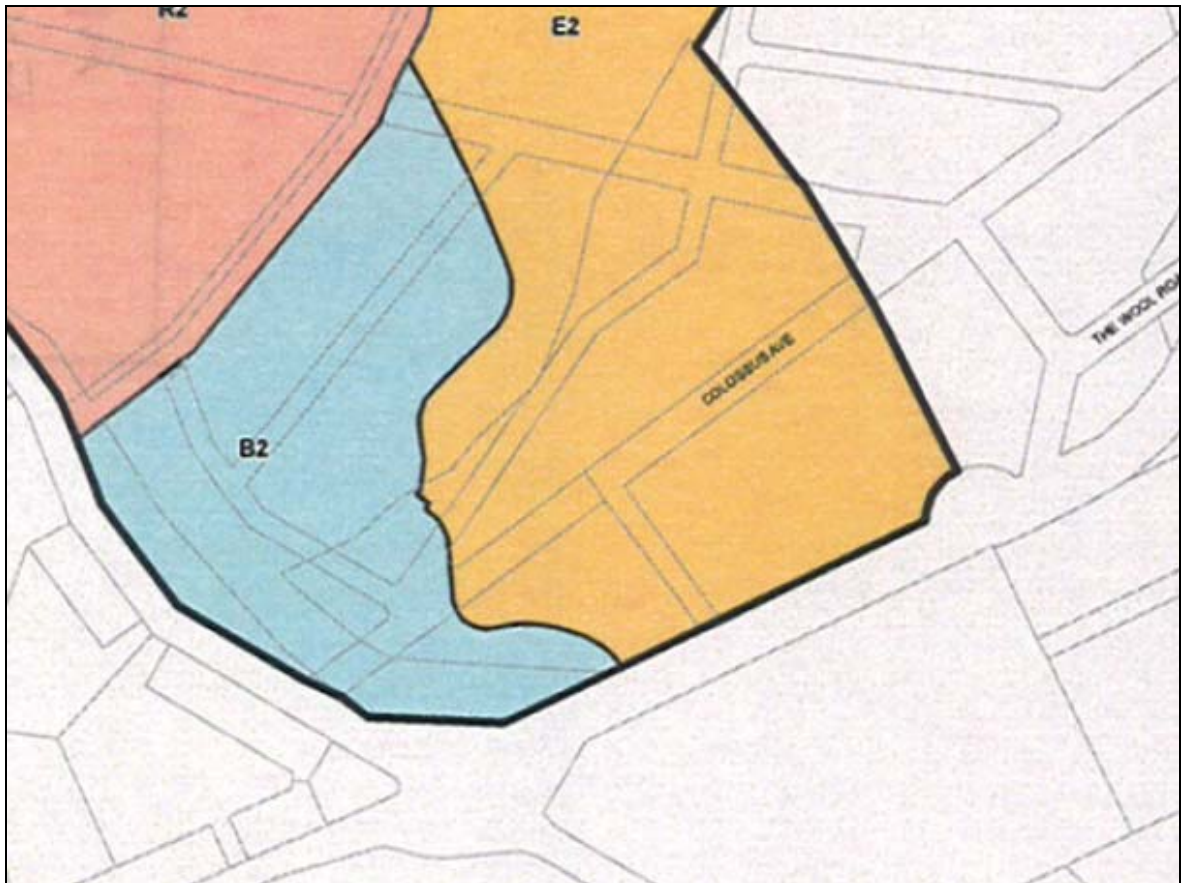


Figure 4: Extract of SEPP Major Development Part 29 Schedule 3 Vincentia Coastal Village Land Zoning Map *Source: NSW Legislation maps*

It is noted that “roads” are permissible under the E2 zone of Part 29 Schedule 3 of the Major Development SEPP.

The area was ecologically assessed in the overall site survey and assessment for the Vincentia District Centre development. DECCW have advised via email dated 6 July 2010 that based on this information, “there have been adequate environmental studies carried out on the land and that as such no further studies would be required from environmental viewpoint”.

As such, there are ongoing discussions with respect to the new access road with NSW Department of Environment Climate Change and Water, Commonwealth Department of Environment and water Resources and Council. The proponent seeks the resolution of this matter as part of Modification 2 to ensure that the VDC can be operational and not delayed as a result of third party issues or matters which are ancillary to the development.

Fabcot and their representatives from Compass Project Management have held a number of meetings with Council to discuss the issue of a new access road into the Bay and Basin Leisure Centre since April 2010. Fabcot forwarded two options to Council for an access to the Bay and Basin Leisure Centre in early August 2010. In response to Council’s recent report considered at a meeting held on 24 August 2010, Fabcot advised Council via email dated 30 August 2010 they would be prepared to consider the following:

ii) Council advise the Department of Planning that Council will consent to the closure of the road reserve serving the Bay and Basin Leisure Centre provided:

- 1. Temporary access to the Bay and Basin Leisure Centre car park is at Fabcot's cost (including construction of Intersection 'E') as per the attached drawing;*
- 2. Reconfiguration of the existing Bay and Basin Leisure Centre car park (as per the attached drawing) to facilitate the temporary access is at Fabcot's expense and that Council grants land owners consent for this change in line marking to occur;*
- 3. Fabcot provides Council with a bond in the amount of \$50,000 for the construction costs of the proposed temporary road access works;*
- 4. Council obtain all necessary approvals associated with provision of a Rural Fire Service station and emergency services access to that Rural Fire Service station;*
- 5. Fabcot grant an easement over the portion of land in which the temporary access road is located.*

The two options forwarded to Council form part of the drawings in **Appendix E** and in addition concept design details are included for intersection works in Wool Road. The Draft Statement of Commitments reflects this outcome.

The Concept Plan approval granted for the VCV included Revised Statement of Commitments as part of that application. The relevant Statements of Commitments which Stockland considered were linked to the VDC site, were included in the contract for the sale of the VDC land and these can be summarised as follows in Table 9:

Table 9: Contracted Commitments as a result of the sale process

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| Item Number | Item | Commitment | Responsibility | Timing |
|-------------|-----------------|--|----------------|--|
| 8(c) | | Stockland will test the WSUD devices prior to handover of maintenance responsibility to Shoalhaven City Council to confirm that they are operating in accordance with the design. If the tests indicate that maintenance is required, Stockland will undertake the necessary remedial action to ensure at its cost that the WSUD devices are operating in accordance with the design. | | Prior to handover of maintenance responsibility to the Shoalhaven City Council |
| 10 | Construction | <p>Stockland will prepare a Construction Management Plan that will include:</p> <ul style="list-style-type: none"> • an education strategy for construction contractors; • description of the work program outlining relevant timeframes for activities. • details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders. • description of the roles and responsibilities for all relevant employees involved in the construction phase. • details of the environmental management procedures, monitoring and reporting requirements during the construction or operation phase. • details as to what incident management procedures will be undertaken during construction or operation • the minimisation of rubbish and debris at the site from development activities during the construction phase. | Stockland | Prior to the commencement of construction of stage 1, and updated prior to the commencement of construction for each stage of the subdivision. |
| 16(a) | Fire Management | Stockland will establish Asset Protect Zones (APZs) in accordance with the Bushfire Assessment, January 2006, prepared by Bushfire and Environmental Services Pty Ltd and as per the modified Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) as part of the nominated residential | Stockland | Prior to the release of the Subdivision Certificate by Shoalhaven City |

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| Item Number | Item | Commitment | Responsibility | Timing |
|-------------|------|--|--|---|
| | | allotments for maintenance by lot owner. | | Council or accredited certifier for each stage. |
| | | APZ within the public open space containing WSUD will be dedicated to Shoalhaven City Council, as part of the WSUD infrastructure. | | |
| | | Only fire retardant, low maintenance species which have limited growth height at maturity will be planted in the APZs. | | |
| 17 | | Stockland will install fire hydrants in accordance with Australian Standard S2419.1-1994. Hydrants will be made accessible and located so that a tanker can park within a distance serviceable by a 20 metres hose and that all houses are within 70 metres of a hydrant | Stockland | Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage. |
| 18 | | Fuel management within the Asset Protection Zones and Asset Protection Zones maintenance plans will be in accordance with Bushfire Assessment, January 2006, prepared by Bushfire and Environmental Services Pty Ltd and as per the modified Cardno Forbes Rigby plan (Drawing SK08 Rev P1 and SK18 Rev P3) as part of the nominated residential allotments.. | Stockland and Shoalhaven City Council | Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage. |
| 21 | | Vegetation Management | | |
| (a) | | Stockland will prepare a vegetation management plan for land in the core environment area that addresses monitoring of: <ul style="list-style-type: none"> rare and threatened communities and species; threatening processes associated with changed in habitat conditions. <p>The vegetation management plan will include a movement management plan which</p> | Stockland in consultation with DEC Responsibility for implementing the vegetation management plan | Within six months of the release of the subdivision certificate for stage 1. Annual monitoring shall occur for a |

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Vincentia District Centre Project Approval Modification

| Item Number | Item | Commitment | Responsibility | Timing |
|-------------|------|--|---|--|
| | | addresses the design, type, location, management and restriction of access through the land in the core environment area. | will be vested with the landowner and annual monitoring shall be reported to DEC. | period of 5 years from the completion of the vegetation management plan. |
| 23 | | Stockland will fence the interface boundary between the environmental lands and the outer edge of the APZ with a fence of post and wire construction to the height of an Australian Standard pool rated fence. The fence will be constructed stage by stage. | Stockland | The fencing to be completed within six months of the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier for each stage. |
| 25 | | Stockland will retain ownership and maintenance responsibility for the environmental core land under its current zoning in accordance with the appropriate management plans until such time that the land can be transferred to an agreed entity to manage the environmental lands. | Stockland | Upon commencement of work on the site, with the appropriate entity being identified prior to the completion of the project. |
| 26 | | Stockland will prepare and implement restoration for the scald area within the Jervis Bay Orchid habitat north of the District Town Centre, in consultation with DEC and relocate the existing Bay and Basin Leisure Centre access as part of the future approval of the village east area. A 25 metres buffer will be provided from the identified Jervis Bay Leek Orchids as shown on Drawing No 104016-71-SK 01_P0 prepared by Forbes Rigby Pty Ltd. | Stockland in consultation with DEC | Prior to the release of the Subdivision Certificate by Shoalhaven City Council or accredited certifier that creates the core environment land. |
| 27 | | Stockland will provide flora and fauna interpretive signage along the boundary of the residential subdivision and the environmental core land. | Stockland | Prior to the release of the Subdivision Certificate by |

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| Item Number | Item | Commitment | Responsibility | Timing |
|--------------|------|---|----------------|---|
| | | | | Shoalhaven City Council for the final stage. |
| 37 | | Stockland will inform the Jerrinja Local Aboriginal Land Council of progress of the development. | Stockland | Ongoing through the construction of the subdivision. |
| 38 | | Stockland will engage the local community and facilitate employment opportunities where possible between contractors and Jerrinja Aboriginal community. | Stockland | Ongoing through the construction of the subdivision. |
| 44 | | Stockland will relocate the existing sewerage rising main and treated effluent transfer main where they conflict with the development footprint. | Stockland | Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for the affected stage. |
| Roads | | | | |
| 48b | | The full suite of road design for all works (Naval College Road and The Wool Road) including all path / cycleway works must be completed and approved by Shoalhaven City Council prior to the occupation of Stage 1 of the District Centre. | Stockland | Prior to occupation of Stage 1 of the District Centre |
| 48c | | Stockland will design and construct signalised intersection of The Wool Road, the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School. | Stockland | Prior to the occupation of the first stage of the District Town Centre or prior to the construction certificate of village east, which ever is first. |
| 49 | | Stockland will design and upgrade The Wool Road to four lanes from the | Stockland | Prior to the |

Environmental Assessment

Vincentia District Centre Project Approval Modification

| Item Number | Item | Commitment | Responsibility | Timing |
|-------------|------|---|----------------|--|
| | | intersection with the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School to Naval College Road. | | occupation of the first stage of the District Town Centre. |
| 50 | | Stockland will remove the existing pavement from the current access to the Bay and Basin leisure centre and rehabilitate. | Stockland | At the completion of the construction of item 48C |
| 51 | | Stockland will design and upgrade the roundabout at the Naval College Road and the Wool Road intersection to two lanes. | Stockland | Prior to the occupation of the first stage of the District Town Centre. |
| 52 | | Stockland will provide a proportional contribution towards the upgrade of the Wool Road southwest of Naval College Road where it can be demonstrated by traffic counts together with projected traffic from the following stage that the district centre has or is likely to affect traffic volumes to the point where a level of service D cannot be achieved. Traffic volumes to be measured at a point approx 500m west of the Naval College Road/Wool Rd roundabout and between the proposed school and the roundabout on the Wool Rd. | Stockland | To be assessed at each stage of the District Town Centre. |
| 56 | | Stockland will design and construct the signalised intersection at Access D along The Wool Road, including the approach and departure lanes. | Stockland | Prior to the occupation of the first stage of the District Town Centre. |
| 65 | | <p>Stockland will design and construct foot and cycle paths as documented in the EAR including:</p> <ul style="list-style-type: none"> continuing the shared foot and cycle path network to connect with the proposed underpass at Naval College Road and the existing pedestrian network including a safe crossing facility across The Wool Road; Shared foot and cycle paths to all be at a width of 2.0m; Main east – west footpath to the District Centre from residential stages 6 & 8 to be a shared foot and cycle path at a width of 2.0m. | Stockland | Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage. |

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Vincentia District Centre Project Approval Modification

| Item Number | Item | Commitment | Responsibility | Timing |
|-------------|-------------------------|---|----------------|---|
| 70 | | Stockland commits to construct stage 1 of the District Town Centre in accordance with the staging plan submitted as part of the preferred project (drawing Number A009 dated 24 May 2006) or as otherwise approved by consent in the project approval for the development. | Stockland | Submission of Project Approval Application |
| 74 | Developer Contributions | Stockland will pay Section 94 developer contributions in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006, and as modified in October 2006 as part of the Preferred Project Report which forms part of the EAR on a "per ET" basis for each stage of the residential subdivision at the rate applicable at the time of payment, except for project 03 CFAC 0003 (Amendment 67 – Bay & Basin Recreation & Cultural Hall) which is a fixed amount of \$3,656 that would then fully recoup the developer share for that whole project. | Stockland | Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage of the residential subdivision and the Construction Certificate for each stage of the District Town Centre. |
| 75 | | Stockland will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment. | Stockland | Prior to the release of the Subdivision Certificate by the Shoalhaven City Council or accredited certifier for each stage. |

With the sale of Lot 73 DP 874040 and Lot 802 DP 1022286 by Stockland to Fabcot in September 2009, a number of conditions became the responsibility of Fabcot as a result of the sale process. This is bound in various elements of the contract for the sale of the land to Fabcot.

All approvals granted to Stockland for the Vincentia Coastal Village and the Bayswater Retirement Village are not proposed to be altered by Modification 2, this includes the conditions and Statements of Commitments which relate to each of these approvals. However, the proponent recognises that some items will now need to form part of the Modification 2 and this can occur through the Draft Statement of Commitments.

It is not proposed to alter these commitments, but the Department of Planning should be aware that Fabcot via the contract for the sale of the land has a responsibility to Stockland in the contract and will meet their obligations.

Based on the above discussions, **Appendix N** includes the draft Statement of Commitments with tracked changes and the proposed conditions of approval with tracked changes to respond to the proposed modification details. These are very similar to the Instrument of Approval and the Revised Statement of Commitments issued by DFP with the original Project Application for the VDC. The draft Statement of Commitments and draft conditions include a number of actions and mitigation measures which will be undertaken in the implementation of the approved modified project.

As such, the following conditions have been reproduced from the Ministerial Instrument of Approval conditions (a copy of which can be found at **Appendix L**) and amended to reflect the changes sought in Modification 2.

1. ADMINISTRATIVE CONDITIONS

Development Description

1.1 Project approval is granted for the carrying out of Stage 1 and 2 of the Vincentia District Town Centre, comprising:

- (a) Site preparation works (including earthworks and vegetation clearing) with Stage 1 and Stage 2,
- (b) Subdivision to create 12.24 ha Lot upon which the Vincentia District Centre will be constructed;
- (c) Stage 1 approximately 22,600m² of gross floor area, comprising 20,880m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail outlets inclusive of kiosks and mini-major retail outlets and 1,720m² of commercial gross floor area (capable of being utilised in as a temporary a library or other community space), centre management and amenities, and Stage 2 approximately 9,400m² of gross floor area, comprising 7,669m² of

gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini-major retail outlet) and 1,731m² of gross floor area of community space and amenities) being a total gross floor area for the centre of 32,000m²;

- (d) fit-out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths,
- (e) roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, Wool Road, external road works, footpaths and open space areas),
- (f) Stage 1 - 55 car parking spaces in Moona Creek Road, 1,025 car parking spaces, including 773 permanent parking spaces located in the southern parking area and 197 temporary parking spaces within the northern parking area, and loading docks for the Big W DDS, Woolworths supermarket, Aldi supermarket and specialty shops and trolley storage, Stage 2 – 289 car parking spaces being formalised in the northern car parking area in lieu of the temporary parking spaces and an additional 243 parking spaces in the southern parking area raising the total parking on-site in the completed centre to 1,360 car parking spaces, and loading docks for supermarket 3 and trolley storage,
- (g) provision of infrastructure for water, sewerage, electricity and telecommunications,
- (h) water sensitive urban design, and
- (i) associated works and road 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 Vincent/a District Town Centre — Stage 1* prepared by Don Fox Planning and dated 22 April 2008,

(b) *Response to Agency and Public Submissions including Revised Statement of Commitments* prepared by Don Fox Planning and dated 10 October 2008,

(c) As amended by Environmental Assessment Report – Modification of Project Application Vincentia District Centre September 2010 prepared by The Planning Group.

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 Annex A of Cardno Forbes Rigby P/L report *WSUD Study* (dated April 2010) and Appendices B and E to the Environmental Assessment Report being the architectural plans prepared by Rice Daubney Architects and civil drawings prepared by Cardno Forbes Rigby.

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 onsite 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 AUSTRROADS (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 within 12 months of receipt of Construction Certificate for the works.

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 1 and be constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 1 of the District Centre.

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 Proponents full cost.

Pedestrian/Cycleway Underpass

2.17 deleted in Modification 1

2.18 deleted in Modification 1

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 Councils *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 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 888 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 Stages 1 and 2 of the District Centre. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent, unless otherwise agreed.

CONCLUSION

The subject Modification application to the Project Approval is submitted in the context of the Department of Planning's Director-General's environmental assessment requirements for the modification and has had regard to the original Concept Approval and Project Application issued under Part 3A of the EP&A Act for the VDC.

The provisions of Section 75W of the EP&A Act to modify the approved Project Application are based on the based on the following:

- The modification will not radically alter the development from its approved form;
- The nature of the proposed changes relate to the staging of the project and seeks the delivery of a centre (both in its staging and when completed) which include all of the community benefits which have already been approved. Specifically, the main site infrastructure will be delivered in the same manner as that approved, including roads and pedestrian links so as to maintain legibility. The access points are unchanged from the approval and the architects involved in the project are unchanged. As such, irrespective of staging the proposed modifications will deliver the same outcomes anticipated by existing approvals. It is considered that the revised staging will provide for better legibility by providing a completed through-site link from Moona Creek Road to Wool Road;
- While the previous approval included the delivery of a library within Stage 1 having an area of some 743 square metres, it is proposed to deliver this community facility within Stage 2 with a larger area of some 1,400 square metres to off-set the delay in moving this from stage 1 to stage 2. A temporary library may be able to be accommodated within the proposed commercial floor space and this would be subject to further discussions with Council regarding commercial terms;
- The timing for Stage 1 of the centre under existing approvals was due for completion in 2009, however due to factors related to changes in the market associated with the economy, the sale of the land by Stockland to Fabcot and the length of time to obtain approvals prior to Fabcot acquiring the land, this will not occur and thus staging and timing have sought to be revised by Fabcot; and
- The staging is proposal has been revised by Fabcot so as to deliver a centre to support the current identified needs and gaps in the market. As such, the Big W discount department store (DDS) has been now included within Stage 1. The size of the DDS component as currently approved does not conform to the requirements of Big W and thus a change in floor area is sought. Further, the location of the Aldi supermarket has been repositioned to maintain its inclusion in Stage 1. The floor area associated with the specialty shops has been adjusted accordingly. It should be noted that the overall floor area of the modified development will be 32,000 square metres, which does not exceed the maximum previously approved and permitted of 32,000 square metres.

Environmental Assessment

Vincentia District Centre Project Approval Modification

It is also noted that the previous design and thus the proposed modified design meets the criteria specified in Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and triggered by Clause 6.

The amendment to the approved Project Application seeks approval for both Stages 1 and 2 which will enable Fabcot to construct the VDC as and when needed to meet the market, allow for timing matters which may be unforeseeable / unpredictable due to rapidly changing regional economies and will also enable construction to commence as soon as possible on-site following approval.

This EA focuses on the environmental issues that required further investigation for the modified design of the VDC, including:

- water quality and stormwater management,
- visual impacts,
- review of traffic implications,
- review of landscape issues and social impact issues, and
- review of acoustic impacts to the adjoining future residential subdivision.

Based on the outcomes of these further investigations and having regard to the previous investigations for the proposed development, it is considered that the modification can be supported by the Minister for Planning.

We support the modification application and recommend its approval by the Minister.

APPENDIX A

Director-General's Environmental Assessment Requirements

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX B
Architectural Drawings A3

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX C
Design Statement

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX D
Landscape Drawings A3

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX E
Civil Drawings A3

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX F
WSUD Report

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX G
Lighting Statement

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX H
Noise Impact Assessment

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX I
Revised Economic Impact Assessment

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX J
Social Impact Assessment

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX K
Transport Analysis of Modified Design

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX L
Copy of Original Project Application Director-General's Report and
Ministerial Approval

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX M
Copy of First Project Application Modification

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX N
Draft Statement of Commitments and Conditions

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX O
Access Report

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX P
Waste Management Plan

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX Q
ESD Statement

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX R
Consultation Correspondence

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX S
Council report on Library Needs 2009

Environmental Assessment
Vincentia District Centre Project Approval Modification

APPENDIX T
GFA Drawing

Environmental Assessment
Vincentia District Centre Project Approval Modification