



8 August 2011

**Section 75W modification to the Vincentia District Town Centre
Corner Naval College Road and The Wool Road, Vincentia**

Background

The concept plan for the Vincentia District Town Centre was approved on 25 January 2007. The proposal was for:

- a district centre with a maximum of 32,000m² to be developed in 3 stages, and
- a 604 lot residential subdivision.

The Modification

The key changes sought by this modification application include:

- a 3 stages development instead of 2 stages as originally approved;
- enclosing the walkways within the centre, except the Arbour Walk, resulting in the increase of 5000m² GFA;
- amending the car parking layout and number of spaces to be provided in Moona Creek Road and re-allocation of parking spaces for each stage; and
- rationalising the centre design and amendments to the external material and finishes.

Delegation to the Commission

The application was referred to the Planning Assessment Commission for determination as it meets the Ministerial delegation issued on 28 May 2011 relating to applications where a reportable political donation has been declared in connection with any previous concept plan or project application.

The Commission members nominated to determine the application were Emeritus Professor Kevin Sproats (chair) and Mr Richard Thorp.

State Environmental Planning Policy (Major Development) 2005

The site is listed in Schedule 3 Part 29 of the State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) as the Vincentia Coastal Village State Significant Site. Clause 19 of the listing limits the total gross floor area to a maximum of 32,000m² and must be amended before any proposal to increase the gross floor area of the town centre can be approved.

If the Commission considers the proposal modification has merit, it must make an order under s75R(3A) of the *Environmental Planning and Assessment Act 1979* to amend Clause 19 in Part 29 of the Major Development SEPP and notify it on the NSW Legislation website before a determination of the modification application is made.

Commission Meetings

On 3 August 2011, the Commission met separately with the Department of Planning and Infrastructure, Shoalhaven City Council and the proponent.

Department of Planning and Infrastructure

The Department was represented by Mr Michael Woodland and Mr Mark Schofield. The key issues identified by the Department in the assessment report included:

- the impact of the enclosure of the walkways,
- altering the staging of development; and
- changing the parking layout.

The Department's assessment report concluded that the enclosure of the walkways would not have a significant impact on the external appearance of the design. It would improve shopper amenity. The Arbour walkway, the main entry to the centre, will remain open and provide a break to the building mass of the centre as well as view of the waterfront environmental lands. The Department also noted the design team that won the Design Excellence Competition was involved in the design development process and considered the enclosure is consistent with the Jury Panel's recommendations.

Although the enclosure would increase the total gross floor area of the town centre, it will not increase the intensity of use in terms of gross leasable floor area. Therefore the amendment will not generate addition demand on parking or s94 contribution requirements.

The Department recommended the proposed modification be approved subject to conditions.

Shoalhaven City Council

The meeting with Shoalhaven City Council was conducted via telephone conference. The Council was represented by Mr Tim Fletcher, Mr John Britton, Mr Peter Adams and Mr James Harris. Council advised that there were no major issues outstanding and comments on draft condition were provided to the Department on 15 July 2011 via email.

The key issues to Council were

- the reconfiguration of the parking arrangement on Moona Creek Road which had been resolved in the proponent's preferred project report to Council's satisfaction;
- the Boardwalk should remain unenclosed as both the Arbour Walk and Boardwalk are the focal corridors that were part of the original coastal design proposal; and
- the modification would result in an increase in s94 contribution payable to Council.

During the telephone conference, the location and timing of the library were discussed. Council advised that a library in the town centre is in Council's planning strategy. However, it is still considering the timing, cost and the location options of the library in the short-medium and medium-long term. It will continue its discussion and negotiation with the proponent once a policy decision is made to ensure the library will not be in an isolated area and its operation will not be restricted by the opening hours of the shopping centre.

The Proponent

The Proponent was represented by Ms Marian Higgins, Mr Ian Goodman and Mr Luke Turner.

The two key issues discussed at the meeting were the library and the enclosure of the Boardwalk. The Commission was advised that the agreement was that the proponent would build the library and lease it back to Council. It is waiting for Council's advice on whether a smaller temporary library is to be located in Stage 1A.

The Boardwalk would be enclosed for security reason and shopper comfort. However, the Arbour Walk will remain open as this part of the Centre is targeted for different types of shops.

The Commission raised Council's concerns in relation to two items in the Statement of Commitment. Item 17 deals with water quality monitoring period and item 50 relates to the timing of Green Guide for potential tenants. The proponent advised that the two items were in the original approval and were not issues raised by Council in previous modifications. However, it has no strong view to the proposed changes to item 50. As to item 17, it accepted the Commission's proposed amendment to monitor the water quality for 3 years after completion of Stage 1A & 1B. A similar monitoring program will be implemented following completion of Stage 2.

Commission's Comments

Following careful consideration of the Director General's assessment report, public submissions and the proponent's response to submissions, the Commission is satisfied that the issues raised in public submissions, particularly Shoalhaven City Council have been satisfactorily addressed by the Proponent and the Department.

The Commission agrees with the Department's conclusion that the enclosure of the walks would not have a significant detrimental effect on the overall design of the shopping centre. It also noted the Design Competition Jury Panel's recommendation that the open air areas in key retail locations should be further developed to provide better shopping amenity and best practice environment for retailers. The proposed modification would assist the achievement of a more comfortable shopping environment for shoppers. However, the Commission is of the view that the Arbour Walk should remain open as it is not only the main corridor of the District Centre, but a viewing corridor to the water front area.

The issues concerning car parking configuration, layout and allocation have been resolved to Council's satisfaction.

The location and timing of the library are matters for Council and the proponent. The Commission considers the Department's recommended condition provides sufficient flexibility that allows Council to decide the timing of the library having regard to its funding allocation/arrangement.

As to the issue of s94 Contribution, the Commission agrees that the proposed modification will not result in an increase in leaseable area, thus no additional s94 Contribution is required.

Commission's Determination

Given the Commission view on the proposed modification, it has made the Order under s75R(3A) to amend Clause 19 in Part 29 of the Major Development SEPP to enable the modification to be approved.

The application is approved subject to the amendments to items 17 and 50 of the Statement of Commitment and conditions included in Attachment 1.

Items 17 and 50 of the proponent's Statement of Commitment are to be amended as follows:

Item 17 the Commitment to read:

Fabcot will undertake a water quality monitoring program in accordance with the Water Quality Monitoring Plan to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a

period of three years following the completion of Stage 1A and a monitoring period of three years following the completion of each subsequent stage of the District Centre.”

Item 50 the timing to read:

The Guide is to be prepared within 6 months of obtaining a Construction Certificate for each Stage of the District Centre to ensure prospective tenants can utilise the Guide in designing their fit-out.



Emeritus Professor Kevin Sproats
Commission Member



Richard Thorp
Commission Member

Attachment 1

Instrument of Approval