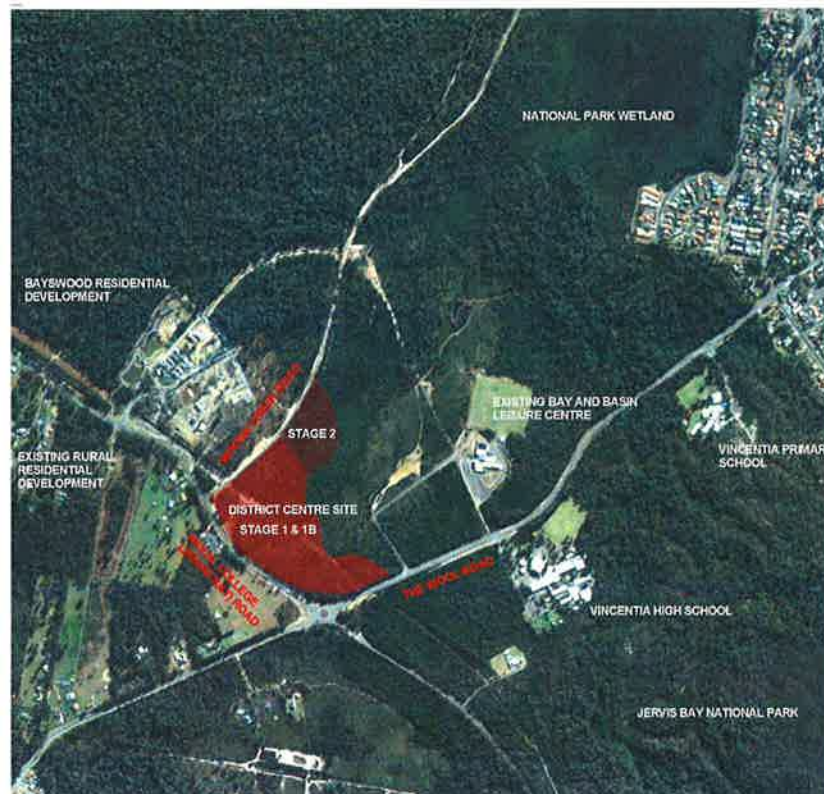


**MODIFICATION REQUEST:**

***Vincentia District Centre – Corner Naval  
College Road and The Wool Road  
MP 06\_0025 MOD 4***

***Modification Request***

Modifications to the building footprint, finished floor level, roofline, internal mall widths, materials and finishes, loading dock and car parking.



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

March 2012

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## 1. BACKGROUND

### 1.1 The Site

The site (refer Figure 1) is located on the northern corner of the intersection of Naval College Road and The Wool Road, Vincentia. It is within the Shoalhaven Local Government Area.

The site is bounded by Jervis Bay National Park and wetlands to the north, The Wool Road to the south east and Naval College Road to the south west. Vincentia township is located 2 kilometres north-east of the site. The site has recently been cleared for development.



**Figure 1 – Site Location**

### 1.2 Approval History

#### 1.2.1 Concept Approval MP06\_0060

On 25 January 2007, the then Minister for Planning approved a Concept Plan for a District centre (the Centre) to be developed in three stages, and a 604 lot residential subdivision and adaptable housing (MP 06\_0060) known as Vincentia Coastal Village. The Centre was approved to be no more than 32,000m<sup>2</sup> and was to be the subject of a Design Excellence Competition (including a jury panel). The Design Excellence Competition was won by Rice Daubney.

The Concept Plan has been modified 11 times. The modifications primarily relate to the residential subdivision portion of the project.

#### 1.2.2 Project Approval MP06\_0025

On 7 January 2009, the then Minister for Planning granted Project Approval (MP06\_0025) for the Rice Daubney design for Stage 1 of the District centre (approximately 14,000m<sup>2</sup>).

On 10 April 2009, MOD 1 was approved. It deleted two conditions relating to the construction of a pedestrian underpass beneath Naval College Road.

On 15 March 2011, MOD 2 was approved, which modified the Project Approval for Stage 1 (approximately 22,600m<sup>2</sup>) through inclusion of Stage 2 (approximately 9,400m<sup>2</sup>), reconfigured the car parking layout and revised the staging including bringing forward upgrade works to surrounding roads.

On 3 August 2011, the Planning Assessment Commission made an order to increase the maximum floor area from 32,000m<sup>2</sup> to 37,000m<sup>2</sup>.

On 8 August 2011, MOD 3 was approved, which included increasing the number of stages to 3 (known as stage 1a, 1b and 2); enclosing the walkways within the centre (except for the Arbour Walk) resulting in the increase of 5000m<sup>2</sup> in GFA; amending the car parking layout and number of spaces; and rationalising the centre's design and amendments to the external material finishes.

## **2. PROPOSED MODIFICATION**

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The proposal seeks the following amendments:

1. reduce the building footprint area to comply with approved gross floor area (GFA) and net lettable area (NLA) resulting in a 1,344m<sup>2</sup> reduction in GFA;
2. increase setback along Moona Creek Road from 30m to 33m to Big W store and commercial offices. The modification proposes increasing landscaping and pavement treatments to suit the changes;
3. reduce the size of the specialty tenancies abutting Wetlands on North eastern façade size by approximately 5m. Landscaping will be extended to suit the proposed changes;
4. modifications to the roof line including changing the design of the previous roof structure to a flatter roof and reducing the height by 500mm;
5. reduction in the widths of the malls to 8m;
6. raising the finished floor level from RL 12m to RL 12.5m.
7. reconfigure the specialty loading dock including:
  - storage areas located adjacent to the dock,
  - amended position of the substation to suit detail design,
  - garbage area amended to suit operational requirements,
8. amendments to the Materials and Finishes Schedule;
9. main entry from surface car park amended;
10. change the configuration of the bio-swales (water quality treatment) in the car park. A reduction in the number of bio-swales from being in every car parking row to every alternate car parking row is proposed; and
11. construction of the entire Naval Creek Road car park to be included in Stage 1a.

## **3. STATUTORY CONTEXT**

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### **3.1 Modification of the Minister's Approval**

The modification application was lodged with the Director-General pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which provides for the modification of a Minister's approval including '*revoking or varying a condition of the approval or imposing an additional condition of the approval*'.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

### **3.2 Delegated Authority**

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to the Deputy Director-General, Development Assessment and Systems Performance in

cases where a political disclosure statement in relation to the original application has been made, where less than 10 objections were received and where Council has not objected.

It is noted that a political disclosure statement in relation to the original project application has been made, no public submissions were received and Council does not object. Accordingly the Deputy Director-General, Development Assessment and Systems Performance, may exercise his delegations.

## **4. CONSULTATION AND SUBMISSIONS**

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In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and was referred to the Shoalhaven City Council, the Office of Environment and Heritage and the Vincentia Residents and Rate Payers Association. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

### **Council Comment**

Council initially raised concerns that the current proposal does not meet the original intentions of the design criteria and approval will result in the centre losing its coastal amenity. Council was particularly concerned with the reduction in the widths of the internal malls.

The proponent held discussions with Council and provided a response to Council's concerns as follows:

- the reduction in mall width to 8m is consistent with community based shopping centres;
- the overall design is an improvement on the previous approval with clear ceiling height of 7.5m, continuous clerestory natural lighting, enclosed timber beams and a bushland / lake vista along the length of the arcade;
- the proposal includes improved landscaping and a children's play area;
- the bushland terrace will be an extension of the boardwalk arcade, creating a continuous link from the carpark to the bush and lake setting;
- consideration of the bushland setting has been given, with appropriate screening proposed to the loading dock and other areas where screening is required;
- the dining precinct has been developed to follow the roof line of the boardwalk arcade to maximise the bushland vista, coastal views and natural light; and
- solar and rainwater harvesting will be used in the development.

Following this, Council advised that the response sets out a satisfactory outline of the vision for the proposed modifications to the development. Council does not have any objections to the proposal.

### ***Department Comment***

Noted

No other comments were received regarding Modification 4.

## **5. ASSESSMENT**

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The Department considers that the key issue resulting from the proposed modifications relate to proposed amendments to the roof line, raising the finished floor level, reducing the building footprint by increasing setbacks, and reducing the width of internal malls.

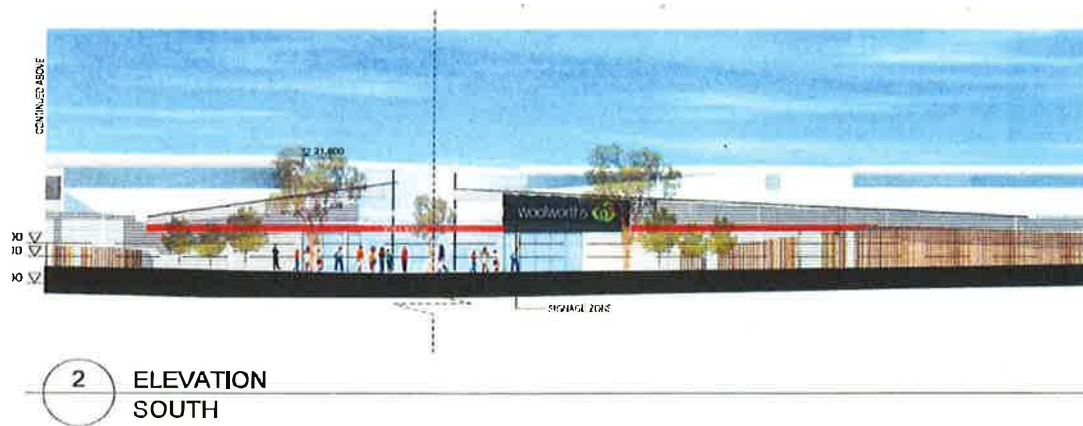
### **Roof line modifications**

Following the enclosure of the arcades (Modification 3), structural analysis of the roof, and efficiency of roof plant condenser deck location, the proposal seeks to modify the configuration of the main arcade roof. The Department considers that the main issue regarding roof form



modifications relates to modifying the original design of the Centre that was the result of a Design Excellence Competition.

The original design included a sloping roof that was uncovered in the central walkway between the buildings. Modification 3 enclosed the walkways which created a modulated roof structure. This proposal seeks to create a flatter roof and reduce the height by 500mm (See Figure 3 and 4 below).



**Figure 3: Approved Roof Structure**



**Figure 4: Proposed Roof Structure**

The Department considers that though the roof structure is different to the Rice Daubney design, the key design principles of the original design intent have been retained. This modification includes additional lighting in the form of skylights, glazed walls and clerestories, and the design now allows the maximum level of light into the building which supports one of the key design principles of blurring the distinction between indoors and outdoors.

The proposal retains the use of materials and finishes that reflect the regional and coastal location. The building will implement overhanging roof forms and tapering lines that reduce the visual impact of the building in accordance with the original design intent.

The proposal will not change any of the original conditions of approval and will still require any servicing equipment to be contained within an architectural roof feature. This shall not include advertising, include floor space or cause overshadowing.

The proposal seeks to lower the roof by 500mm. It is therefore unlikely that any adverse impacts with regard to view loss and visual impact will result.

- **Raising the Finished Floor Level (FFL) to RL 12.5**

It is proposed to raise the main FFL of the centre by 500mm from RL 12.0m to RL 12.5m. This is to balance the cut and fill on the site, therefore reducing transport cost for importing/exporting fill from site. The proponent advises that it will have the additional benefit of reducing the effects of mechanical pumping of sewer systems from the site caused by its low level in relation to the Moona Creek level and will reduce energy consumption.

The Department supports the development reducing energy consumption and notes that raising the FFL does not increase the overall height of the building due to the roof height being lowered, and will therefore not create additional visual impacts. The internal void space within the ceiling has been reduced so that the internal roof space will not be significantly impacted. The boardwalk ceiling height has been reduced to 7.5m from 8.5m, however the Department remains satisfied that an appropriate level of retail amenity will be provided.

- **Mall widths reduced**

The proposal seeks to reduce the width of the enclosed walkways, being the Canopy Walk and the Boardwalk, to 8m.

The proponent advises that the original width of the walkways needed to be wider to create physical setbacks between separate structures in the unenclosed spaces. However, following the enclosure of the main roof in Modification 3, the distance separating shop fronts is more effective at 8m.

The Department considers that the original design intent to not define the indoor and outdoor space will be retained through the implementation of additional glazed elements, clerestories and a lightweight canopy roof structure to allow natural light to enter the arcade. The proposal retains the line of site through the main building in accordance with the original design intent. The Department is satisfied that reducing the mall widths will not significantly change the key principles of the original design intent.

It is also noted that the Arbour Walkway, being the main entry to the Centre from the adjoining residential area will not be enclosed. The subject modification does not seek to modify this element of the design.

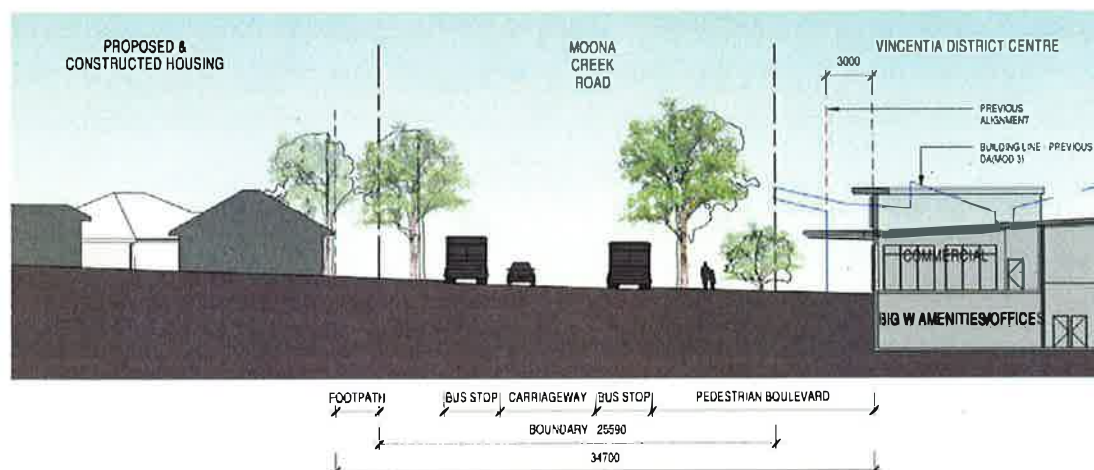
- **Reduction in building footprint, size of speciality tenancies and increased setbacks**

As a result of the reduction in the mall widths, the subject modification proposes to reduce the building footprint to maintain the approved net leasable area (NLA) and the gross floor area (GFA).

The proposal includes increasing the setback of the external walls of the specialty tenancies abutting the Wetlands on the north eastern façade by 5m. It is also proposed to increase the setback along Moona Creek Road by 3m.

Landscaping and paving will be extended to suit the new footprint. The Department is satisfied that the proposed landscaping is consistent with the approved landscaping and planting schedule and is therefore consistent with the original design intent.





**Figure 2: Street Cross Section of Existing and Proposed Setback to Moona Creek Road**

As the above street cross section shows, the proposed additional 3m setback to Moona Creek Road appears minor in comparison to the overall width of the street. The proposed modification will not impact the original design intent of the concept of the 'gateway building' as the scale and façade treatments are being retained.

Stage 1a and 1b will reduce the GFA by 1,344m<sup>2</sup>. No changes in GFA are proposed for Stage 2. The total GFA for all stages is therefore proposed to be 35,644m<sup>2</sup> which remains consistent with the 37,000m<sup>2</sup> permissible under Part 29 of Schedule 3 in the SEPP MD.

### • **Other issues**

| Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• <b>Speciality loading dock area reconfigured</b><br/>The proposal seeks to reconfigure the speciality loading dock area including: <ul style="list-style-type: none"> <li>• realigning walls to reconfigure the storage areas adjacent to the dock;</li> <li>• amending the position of the substation to suit detail design; and</li> <li>• amending the garbage area to suit operational requirements.</li> </ul> </li> </ul> | <p>The amendments relate to the configuration of the loading dock area and will only result in a slight reduction to the built form and will not impact on the public domain or built form of the approved centre.</p> <p>Specifically designed screening will be implemented to reflect the bush and coastal setting and will be used to screen the car park from the loading dock.</p> <p>The loading dock will still have to cater for 19 metre semi-trailers to comply with Condition 2.26.</p> |
| <ul style="list-style-type: none"> <li>• <b>Main entry from surface car park</b><br/>An additional extent of weather protection to the car park frontage is proposed to activate the tenancies previously not activated.</li> </ul>                                                                                                                                                                                                                                      | <p>This will provide amenity for customer pick up and taxi stand for the Stage 1a component of the development.</p>                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>• <b>WSUD</b><br/>Changes to the configuration of the bio-swales in the car park which will reduce the number of bio-swales being from every car park row to every alternate car park row.</li> </ul>                                                                                                                                                                                                                             | <p>The area (cubic capacity) of the bio-swales has been increased to compensate for the reduction in number of bio-swales. The modification will improve the efficiency of the catchment system and ensures that the use of the bio-swales and detention dam in the main car park has been maintained.</p> <p>Council will be responsible for approving the final design at Construction Certificate stage.</p>                                                                                     |
| <ul style="list-style-type: none"> <li>• <b>Materials</b><br/>Amendments to the Materials and Finishes Schedule to suit preferred construction methods.</li> </ul>                                                                                                                                                                                                                                                                                                       | <p>Façade materials remain consistent with the design intent of 're-usable components'. The walls and surfaces are natural or unfinished materials to blend with the natural environment. The Department</p>                                                                                                                                                                                                                                                                                        |

|                                                                                                                                   |                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                   | considers that the core intentions to reflect the coastal bush style setting have been maintained.                                                                                              |
| <ul style="list-style-type: none"> <li>• <b>Staging</b><br/>Construction of Naval Creek Road car park within Stage 1a.</li> </ul> | Stage 1a should be able to function independently of the remaining proposed stages. It is considered that constructing the car park in Stage 1a will ensure the centre can function on its own. |

## 6. CONCLUSION AND RECOMMENDATIONS

The Department has assessed the application on its merits and the proposed modification is considered to be reasonable and will not result in any significant changes to the development as approved.

The Department is satisfied that the minor design modifications to the building footprint, roof form, finished floor levels, mall widths and materials and finishes to not diminish the integrity of the development and its relationship with the regional and coastal environment.

It is therefore recommended that, subject to the amended conditions, the proposed modification be approved.

It is **RECOMMENDED** that the Deputy Director-General, Development Assessment and Systems Performance, as delegate for the Minister for Planning and Infrastructure:

- **note** the information provided in this report;
- **approve** the modification request, subject to conditions; and
- **sign** the attached modifying instrument.

**Endorsed by:**



Jodie Leeds  
**Planning Officer**  
**Metropolitan & Regional Projects South**



Alan Bright  
**A/ Director**  
**Metropolitan & Regional Projects South**



**Recommended for Approval:**

Chris Wilson  
**Executive Director**  
**Major Projects Assessment**

## **APPENDIX A    MODIFICATION REQUEST**

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)

## **APPENDIX B SUBMISSIONS**

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)

## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENT**

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