

31 May 2018

Secretary
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Natasha Harras, Team Leader

Dear Sir/Madam,

Re: AMENDED INFORMATION IN RESPONSE TO REQUEST FOR INFORMATION

REQUEST UNDER SCHEDULE 6A “TRANSITIONAL ARRANGEMENTS – REPEAL OF PART 3A’ OF THE ENVIRONMENT PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED)

MINOR MODIFICATION OF MAJOR PROJECT APPLICATION NO. 06_0025 (MODS 5 & 6) – VINCENTIA DISTRICT TOWN CENTRE – “MOD 7”

1.0 INTRODUCTION

With reference to the original application lodged on 10 November 2017, and the meeting with Department of Planning and Environment on 17 January 2018, this letter has been prepared and updated on behalf of Woolworths Group and their development arm Fabcot Pty Ltd (Fabcot which is a wholly owned subsidiary of Woolworths) as the proponent, requesting the Department of Planning and Environment (DP&E) accept this application as Modification 7 (Mod 7) to Major Project Application No. 06_0025.

This letter has been amended from that submitted in 2017. This letter constitutes the proponent’s request under the *Environmental Planning and Assessment Act 1979* (as amended) (EP&A Act) to seek the modification of Major Project Application No. 06_0025 (Mod 5 & 6) – Vincentia District Centre (VDC). The VDC is located within the Vincentia Coastal Village (VCV) but is subject to a separate approval process to the VCV. It is noted that the subject site was included at Part 29 of Schedule 3 of the former *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP).

It should be noted, records held by DP&E refer to the site by its acronym VDC, however now that the land has been developed it is commonly known in the community at Woolworths Vincentia Marketplace shopping centre.

1.1 Background

This modification application (Mod 7) has been submitted to the NSW Department of Planning and Environment (DP&E) under the former Section 75W provisions of the EP&A Act.

The information in this letter has been prepared to respond to the DP&E request for more information, which advised:

Further information should be provided so that agencies and the public can easily understand the proposed modifications without having to refer back to previous documentation.

Higgins Planning Pty Ltd ABN 75 607 855 336

Phone	(02) 9929 4044
Email	admin@higginsplanning.com.au
Address	Suite 301, Level 3, 26 Ridge Street NORTH SYDNEY NSW 2060
Postal	PO Box 1269 QVB NSW 1230

The planning report should be updated to specifically list what is the proposed change to the landscaping, identifying what is proposed in terms of plantings and structures compared to what is approved. Ideally an illustration of the approved plans or elevations vs the proposed plans or elevations should be included.

As per Emma's original email to you, the planning report should also provide an assessment of the changes, specifically the visual impacts of the proposed changes, noting built form and appropriate screening to the Moona Creek Road frontage was a key issue in previous assessments. Is landscape screening of the built form being reduced or increased? Perhaps provide a section showing the plantings at a mature phase so they can be compared to the approved plantings section, or an elevation showing how the mature trees will screen the built form?

Please can you clarify as to whether the tank and plant / substation (I'm not entirely clear on what the structures are) on the Moona Creek Road frontage are now sought to be included in Stage 1A, noting the approved plans only included these in Stage 1B. If so, this should be included in the assessment report.

Include on the plans the landscaping around the tank / plant / substation area. Even if already provided, show it as existing and identify what has been planted. If it differs from the approved plans, identify the change and assess the impact.

1.2 The Site and Locality

The site is located approximately two kilometres south-west of the existing Vincentia township. The Woolworths Vincentia Marketplace 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 site of the Woolworths Vincentia Marketplace site is legally described as Lot 1 DP 1182358.



Figure 1: Aerial image of existing Woolworths Vincentia Marketplace shopping centre on Moona Creek Road
Source: Google Earth

Photos 1 – 8 below demonstrate the existing site development and conditions within Zones A, B, C and D on the subject site. (Please note the references to Zones A, B, C and D correlate to the drawing information submitted with this application in Appendices A and B).



Photo 1: View of existing sprinkler water tank and landscaping at boundary of site to roundabout in Moona Creek Road – refer to Zone D existing features in architectural drawings at Appendix A. The proposed timber screen shown in Zone B in the architectural drawings at Appendix A, will be located on the outer face of the existing palisade fence within the site boundary. Existing landscaping to remain.



Photo 2: View of existing sprinkler water tank and substations from loading dock area Road – refer to Zone D in architectural drawings at Appendix A. Please note the change to include these existing features in Stage 1A.



Photo 3: View of Zone C from footpath in Moona Creek Road – refer to Architectural drawings in Appendix A and landscape drawings in Appendix B

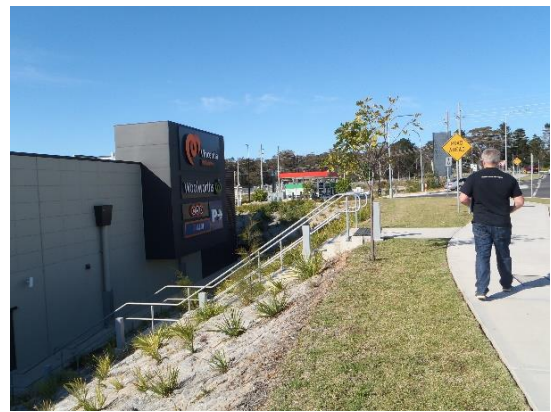


Photo 4: View of existing vegetation in Zone C will be supplemented – refer to landscape details in Appendix B



Photo 5: View of existing landscaped areas within Zone A facing north between existing pedestrian bridges over swale feature



Photo 6: View of existing landscaped areas within Zone A facing north between existing pedestrian bridges over swale feature



Photo 7: View of existing landscaped areas within Zone A which will be supplemented facing south-west from southern existing pedestrian bridge over swale feature



Photo 8: View of existing landscaped areas within Zone A which will be supplemented facing west from edge of car parking area with existing watering system operational

1.3 History of Approvals

Table 1 below a summary of the approvals granted for the subject site:

Table 1: 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:

Date:	Planning Approval:
	<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. <p>and</p> <p>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.</p>
8 October 2007	<p>Modification 1:</p> <p>Concept Plan and Project Approval Modification 1</p>
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>

Date:	Planning Approval:
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_0025 under Part 3A for development of Stage 1 of the Vincentia District Town Centre, is described as follows:</p> <p>(a) site preparation works (including earthworks and vegetation clearing) with the Stage 1,</p> <p>(b) subdivision to create a 12.24 ha Lot upon which the District Centre will be constructed,</p> <p>(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),</p> <p>(d) fit out and occupation of the Woolworths, Big W and Aldi supermarkets,</p> <p>(e) roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas),</p> <p>(f) 683 car parking spaces, two loading docks 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.</p>
10 April 2009	<p>Modification 1</p> <p>Vincentia District Town Centre – deletion of conditions 2.17 and 2.18</p>
2009, 2010 and 2011	<p>Various Modifications to the VCV.</p>
15 March 2011	<p>Modification 2</p> <p>Vincentia District Town Centre</p>
3 August 2011	<p>Order made by Planning Assessment Commission – amended Schedule 3 Part 19, Clause 6 of SEPP to allow maximum gross floor area of 37,000 square metres for the VDC.</p>
8 August 2011	<p>Modification 3 approved by Planning Assessment Commission for VDC with gross floor area of 36,988 square metres.</p>
17 April 2012	<p>Modification 4 approved by Department of Planning and Infrastructure to amend the mall width and other minor built form design changes.</p>
18 November 2013	<p>PAC grants approval to Modification 5 which amended project staging and minor design changes to the VDC to Fabcot.</p>

Date:	Planning Approval:
16 May 2014	Department of Planning and Environment grants approval to Modification 14 for the VCV to Stockland.
15 December 2014	Modification 6 which minor amendments and design changes to the VDC by Fabcot.
<p>There have been various Modifications submitted and approved associated with the Vincentia Coastal Village residential land subdivision assets which have not been prepared on behalf of Woolworths and therefore these have not been detailed in this table.</p>	

2.0 AMENDMENT TO THE APPROVED PROJECT APPLICATION UNDER THE FORMER PART 3A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

2.1 Modification of Part 3A Approval

It is considered that the provisions of Section 75W of the EP&A Act apply to the proposed modification based on the provisions of Schedule 6A Transitional Arrangements – Repeal of Part 3A of the EP&A Act, which states:

12 Continuing application of Part 3A to modifications of certain development consents

Section 75W of Part 3A continues to apply to modifications of the development consents referred to in clause 8J(8) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs), and so applies whether an application for modification is made before or after the commencement of this clause.

It is considered that the proposal is consistent with the EP&A Regs, as Clause 8J(8) states:

8J Transitional provisions

(8) For the purposes only of modification, the following development consents are taken to be approvals under Part 3A of the Act and section 75W of the Act applies to any modification of such a consent:

(a) a development consent granted by the Minister under section 100A or 101 of the Act,

(b) a development consent granted by the Minister under State Environmental Planning Policy No 34—Major Employment-Generating Industrial Development,

(c) a development consent granted by the Minister under Part 4 of the Act (relating to State significant development) before 1 August 2005 or under clause 89 of Schedule 6 to the Act,

(d) a development consent granted by the Land and Environment Court, if the original consent authority was the Minister and the consent was of a kind referred to in paragraph (c).

The development consent, if so modified, does not become an approval under Part 3A of the Act.

The proposed development has been approved under the former Part 3A provisions of the EP&A Act, and this request is submitted for consideration under Section 75W of the EP&A Act. Section 75W of the EP&A Act enables an approved Project Application to be modified, based on the following:

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.

2.2 Reasons for this Modification

2.2.1 Why is this Modification being sought?

Modification 7 was originally prepared and submitted to respond to an inspection of the site by DP&E staff. A letter issued by DP&E indicated specific areas of the existing site development required attention.

The areas requiring attention included (please refer to a copy of the drawings associated with Modification 5 in **Appendix C** and Modification 6 in **Appendix D** to cross-reference the items listed below):

1. *The planting information along the Moona Creek Road elevation, on the batter, detailed in:*
 - 1.1 *Drawing No. DA001D (page 2 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6);*
 - 1.2 *Drawing No. DA002D (page 3 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6); and*
 - 1.3 *Drawing No. DA003D (page 4 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6);*
2. *The planting information on the banks of the overland flow corridor, as approved in:*
 - 2.1 *Drawing No. DA001D (page 2 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6);*
 - 2.2 *Drawing No. DA002D (page 3 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6);*
 - 2.3 *Drawing No. DA005D (page 6 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6); and*
 - 2.4 *Drawing No. DA006D (page 7 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6); and*
3. *The recycled timber screen or similar for the loading dock area, as approved in:*
 - 3.1 *Drawing No. DA1502K (page 6 of 8 of the approved plans, approved on 15 December 2014 as part of Modification No 6);*
 - 3.2 *SCH02 Vincentia Schedule of Finishes (page 2/3, dated 7 July, 2017 and approved on 15 December 2014 as part of Modification No 6);*

3.3 *Vincentia District Centre Design Summary (page 7) approved on 18 November 2013 as part of Modification 5; and*

3.4 *Vincentia District Centre Design Summary (page 21) approved on 18 November 2013 as part of Modification 5.*

2.2.2 What changes are being requested in this Modification?

The proponent seeks changes to portions of the drawings listed above because there are insufficient specific details of plantings in the approved landscape drawings. This is due to the approved drawings having been prepared to a “Development Application” standard detail rather than landscape plantings to being specified to a “Construction Certificate” detail, which will ordinarily include more detailed and appropriate selections of plantings, which in this instance need to allow for greater tolerance to the existing environment. Therefore, the proponent seeks amendments to the landscape drawings:

- i. To provide for more specific details to ensure the landscaping on the batter area to Moona Creek Road suits the site conditions and includes species which can be clearly interpreted and understood in its implementation – referred to as “ZONE C” on the Site Plan;
- ii. To provide for more specific details to ensure the landscaping around the overland flow area, can be clearly interpreted and understood in its implementation – referred to as “ZONE A” on the Site Plan;

Also, the proponent seeks to change a portion of the architectural drawings listed above because there are insufficient specifics in the details of the “timber feature” as the architectural drawings were prepared to a “Development Application” standard and now demonstrate information to a “Construction Certificate” detail, as follows:

- iii. Provide details for a timber screen feature treatment in addition to the existing palisade fencing adjacent to the Moona Creek Road loading dock area – referred to as “ZONE B” on the Site Plan.

As Stage 1a of the site now has completed and operational, so too it was required to make provision for base infrastructure including power, water, etc. It is noted that DP&E has queried whether Stage 1b would be progressed, as Stage 1b approved drawings included the provision of the substations power to the overall project. Woolworths wish to advise that Stage 1b is not proposed to be constructed at this time.

However, it should be noted that Stage 1a of the project, in order that it could become operational, required the provision of power as part of Stage 1a. This was a requirement of the energy supplier, who sought the provision of two substations to be located as part of the project for works in Stage 1a at a public road frontage which in this instance was the Moona Creek frontage.

Therefore, the inclusion of the substations in Stage 1b on approved drawings was an error and inadvertently not shown in Stage 1a. As such, it was necessary to move the substations location from Stage 1b into Stage 1a, as follows:

- iv. The location of the substations as they exist today is shown in the area labelled “ZONE D” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;

Stage 1a of the project also required the inclusion of all the necessary fire safety requirements, to comply with the relevant Australian Standards, the NCC and associated fire safety requirements. As such, a “sprinkler tank” was required to be included in Stage 1a, as follows:

- v. The location of the sprinkler tank is shown in the area labelled “ZONE D” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG.

As such, this application also clarifies the location of the existing two substations and the sprinkler tank in “ZONE D” on the Site Plan.

As a result of the reasons listed above, Mod 7 involves:

- A. Amended landscape drawings to address landscaping elements within Stage 1a, including:
 - a. Specific landscape details to the overland flow area – refer to “Landscape Architectural Additional Planting Plan Zone A” drawing L_102 Issue B dated 1 March 2018 prepared by Elke. Refer to “ZONE A” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;
 - b. Specific landscape details for plantings along the Moona Creek elevation batter – refer to “Landscape Architectural Additional Planting Plan Zone C” drawing L_101 Issue B dated 1 March 2018 prepared by Elke. Also refer to “ZONE C” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;
- B. Amended architectural drawings to seek approval for a new screen feature, including:
 - a. A timber screen feature treatment in addition to the existing palisade fencing adjacent to the Moona Creek Road loading dock area – refer to refer to “ZONE B” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG and for details of the timber feature in “ZONE B” in elevation drawing No. 361 Revision 4 dated 26 March 2018 prepared by TRG, and finishes and materials along installation details in drawing No. 362 Revision 5 dated 26 March 2018 prepared by TRG. (It should be noted for completeness that drawing No. 362 Revision 5 dated 26 March 2018 prepared by TRG indicates in the diagrams labelled 2, 3, and 4, the existing substations and sprinkler tank showing the interrelationship between ZONE C and D information); and
 - b. Recognition of the location of the existing substations and sprinkler tank in Stage 1a known as “ZONE D” – in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG.

The proponent seeks approval with this Modification, the details shown in the amended architectural drawings listed above, which are included at **Appendix A**. And, the details shown in the amended landscape drawings listed above, which are included in **Appendix B**.

The table at **Appendix C**, provides a comparative demonstration of the portion of the existing approved drawing which this Modification seeks a change compared to the same portion of the site in the amended drawings at **Appendices A and B**.

2.3 Change to condition 1.2 to formalise this Modification request

DP&E may have an alternate way to formalise the proponents list of changes above, however the proponent suggests the modification of condition 1.2 of Schedule 2, as shown with new wording/changes/additions in red, as follows:

Development in accordance with Plans and Documentation

1.2 The development shall be in accordance with the following plans and documentation (including any recommendations and Statement of Commitments made therein):

- a) *Environmental Assessment Report – Proposed Vincentia District Town – 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 dated September 2010 prepared by The Planning Group;*
- d) *As amended by the Preferred Project Report and Response to Submissions Report and Statement of Commitments dated July 2011 prepared by the Planning Group and associated drawings;*
- e) *As amended by the Environmental Assessment dated March 2011 and the Submissions Report and Statement of Commitments dated July 2011 prepared by The Planning and associated drawings’*
- f) *As amended by the Environmental Assessment dated 18 November 2011 prepared by The Planning Group and associated drawings;*
- g) *As amended by the Environmental Assessment for Major Project Application No. 06_0025 – Vincentia District Centre – Modification 5 dated November 2012 prepared by The Planning Group and associated revised modification documentation, including the ‘Vincentia District Centre Design Summary Mod 5 Submission 17th June 2013’, Statement of Commitments dated 30 August 2013 and the following drawings*
- h) *The Environmental Assessment for Major Project Application No. 06_0025 – Vincentia District Centre – Modification 6 dated July 2014, prepared by The Planning Group, and as amended by the Response to Submissions and Preferred Project Report dated 21 October 2014, prepared by The Planning Group, and the following drawings*

Architectural Drawings prepared by Scott Carver			
Drawing No	Revision	Name of Plan	Date
DA 1202	XZ	Plan Stage 1 North West	Undated 20/10/2014
DA 0103	ZBB	Phasing Plan	Undated 20/10/2014
DA 0104	DF	Stage 1 Plan	Undated 20/10/2014
DA 1501	KM	Elevations and Finishes – Stage 1A (Sheet 1)	Undated 20/10/2014
DA 1502	K	Elevations and Finishes – Stage 1A (Sheet 2)	Undated 20/10/2014
DA 1900	BD	GFA Calculation Sheet	Undated 20/10/2014
SCH 02	B	Schedule of Exterior Finishes	31/10/2012 7/7/2014

Architectural Drawings prepared by Scott Carver			
Landscape Plan prepared by Scott Carver			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
000	D	Landscape Title Page	20/10/2014
D001	AD	Vincentia District Centre Stage 1A Landscape Design Summary	Undated 20/10/2014
DA01 D002	AD	Vincentia District Centre Landscape Planting Pallet	Undated 20/10/2014
DA003	D	Typical Section – Moona Road - Development	20/10/2014
DA004	D	Typical Section – Pond - Carpark	20/10/2014
DA005	D	Typical Swale Section	20/10/2014
DA006	D	Typical Bridge – Pedestrian/Cycle Section	20/10/2014
Civil Drawings prepared by Cardno Forbes Rigby			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
82014088-01- C1005	B	Carpark Layout and Drainage Layout Sheet 4 of 4	14/7/2014

- i) As amended by the Environmental Assessment for Major Project Application No. 06_0025 – Vincentia District Centre – Modification 7 dated 31 May 2018, prepared by Higgins Planning, with deletion of the architectural and landscape elements in items 1, 2 and 3 below and replaced with the architectural and landscape items listed in 1, 2, 3 and 4 in drawings as follows:

1. The planting information along the Moona Creek Road elevation, on the batter, detailed in:

- 1.1 Drawing No. DA001D (page 2 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone C” drawing L_101 Issue B dated 1 March 2018 prepared by Elke. Also refer to “ZONE C” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;
- 1.2 Drawing No. DA002D (page 3 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone C” drawing L_101 Issue B dated 1 March 2018 prepared by Elke. Also refer to “ZONE C” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG; and
- 1.3 Drawing No. DA003D (page 4 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone C” drawing L_101 Issue B dated 1 March

2018 prepared by Elke. Also refer to “ZONE C” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;

2. The planting information on the banks of the overland flow corridor, as approved in:

2.1 Drawing No. DA001D (page 2 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone A” drawing L_102 Issue B dated 1 March 2018 prepared by Elke. Refer to “ZONE A” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;

2.2 Drawing No. DA002D (page 3 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone A” drawing L_102 Issue B dated 1 March 2018 prepared by Elke. Refer to “ZONE A” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;

2.3 Drawing No. DA005D (page 6 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone A” drawing L_102 Issue B dated 1 March 2018 prepared by Elke. Refer to “ZONE A” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG;

2.4 Drawing No. DA006D (page 7 of 7 of the approved Shoalhaven Market Place – Vincentia landscape plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “Landscape Architectural Additional Planting Plan Zone A” drawing L_102 Issue B dated 1 March 2018 prepared by Elke. Refer to “ZONE A” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG; and

3. The recycled timber screen or similar for the loading dock area, as approved in:

3.1 Drawing No. DA1502K (page 6 of 8 of the approved plans, approved on 15 December 2014 as part of Modification No 6) be replaced with “ZONE B” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG and for details of the timber feature in “ZONE B” in elevation drawing No. 361 Revision 4 dated 26 March 2018 prepared by TRG, and finishes and materials along installation details in drawing No. 362 Revision 5 dated 26 March 2018 prepared by TRG;

3.2 SCH02 Vincentia Schedule of Finishes (page 2/3, dated 7 July, 2017 and approved on 15 December 2014 as part of Modification No 6) be replaced with “ZONE B” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG and for details of the timber feature in “ZONE B” in elevation drawing No. 361 Revision 4 dated 26 March 2018 prepared by TRG, and finishes and materials along installation details in drawing No. 362 Revision 5 dated 26 March 2018 prepared by TRG;

- 3.3 Vincentia District Centre Design Summary (page 7) approved on 18 November 2013 as part of Modification 5 be replaced with “ZONE B” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG and for details of the timber feature in “ZONE B” in elevation drawing No. 361 Revision 4 dated 26 March 2018 prepared by TRG, and finishes and materials along installation details in drawing No. 362 Revision 5 dated 26 March 2018 prepared by TRG; and
- 3.4 Vincentia District Centre Design Summary (page 21) approved on 18 November 2013 as part of Modification 5 be replaced with “ZONE B” in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG and for details of the timber feature in “ZONE B” in elevation drawing No. 361 Revision 4 dated 26 March 2018 prepared by TRG and finishes and materials along installation details in drawing No. 362 Revision 5 dated 26 March 2018 prepared by TRG, and
4. Show substations and sprinkler water tank in Stage 1a, as shown in “ZONE D” – in amended drawing No. 360 Revision 5 Site Plan dated 27 March 2018 prepared by TRG.

No changes are proposed to the Statement of Commitments.

3.0 ENVIRONMENTAL ASSESSMENT

This letter provides an Environmental Assessment (EA) on behalf of Fabcot (the proponent), to request under Section 75W of the EP&A Act the modification of the MP 06_0025 Project Approval granted for the VDC. Referred to as 'Mod 7' throughout this letter.

The VDC forms part of a series of approvals for the wider Vincentia Coastal Village (VCV).

The approvals granted by the Minister pursuant to Clause 6 of the Major Development SEPP and Part 3A of the EP&A Act for the Vincentia District Centre (VDC) involved the 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 was identified as being land described in Part 29 of Schedule 3 of the Major Development SEPP as a project to which Part 3A applied.

3.1 *Proposed Modification*

The Mod 7 seeks approval for the development as shown in the drawings included at **Appendices A and B** and amend condition 1.2 as detailed previously.

3.2 *Consistency with the Concept Approval, Project Application and Modifications 5 and 6*

The principal elements of the VDC as proposed in Mod 7 are unchanged from that which was approved by the Minister when the Concept Plan, Project Application and Modifications 2, 3, 4, 5 and 6 were granted development consent:

- The approved building footprint is unchanged;
- The approved building uses are unchanged;
- The intensity of the approved development is unchanged by the information seeking to be amended in this Mod 7; and
- The principles of the design competition winning design will be maintained.

The Department will recall that "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.

No changes are proposed in Modification 7 to the approved Modification 6 footprint which is the same as that which was approved in Modification 5 and includes ESD measures including stormwater management as that in Modification 5.

The amended landscape drawings in this application do not seek to amend any ESD measures approved in any previous application. Rather the drawings clarify the implementation specifications and details.

4.0 ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

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

Those primary matters under Section 4.15(1)(a)(i) of the EP&A Act include *Local Environmental Plans* (LEPs), *Regional Environmental Plans* (REPs) (now deemed SEPPs) and *State Environmental Planning Policies* (SEPPs).

4.1 Commonwealth Matters

There are no new assessable considerations under the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act).

4.2 State and Local Matters

The approvals granted by the Minister included consideration of the Gross Floor Area (GFA) limitation. The total floor area of the proposed development will be within the Mod 3 approval of up to 37,000 square metres GFA, and the approved Stage 1a of some 11,372 square metres is unchanged from Mods 5 and 6, in this application known as Modification 7.

4.2.1 State Environmental Planning Policies (SEPPs)

The application is not considered to trigger any new assessable consideration under any SEPP which was considered acceptable in the original assessment and issuing of approval to previous Modifications.

While the provisions of State Environmental Planning Policy No.71 - Coastal Protection (SEPP 71) have now been repealed by State Environmental Planning Policy (Coastal Management) 2018 (The Coastal SEPP) (indeed, The Coastal SEPP updated and consolidated into one integrated policy SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection)), the proposal seeks the inclusion of plantings which are more tolerant to the high levels of acidity (low pH) of the soils, which will enable the plantings to become more established and as a consequence mitigate against soil erosion and sedimentation entering the swale system.

In addition, the reasons for the changes and additions to the landscape architectural drawings are detailed in the Landscape Statement also included at Appendix B.

4.2.2 Regional Environmental Plans (REPs)

The application is not considered to trigger any new assessable consideration under any REP which was considered acceptable in the original assessment and issuing of the original Concept Plan and Project Application approval and subsequent Modifications.

4.2.3 Local Environmental Plans (LEPs)

The main environmental planning instrument which affects the proposed development is the *Shoalhaven Local Environmental Plan 2014* (SLEP).

The site of the VDC (now referred to as Woolworths Vincentia Marketplace shopping centre) is zoned B2 Local Centre under the *Shoalhaven Local Environmental Plan 2014*.

The landscape works, timber screen, relation of the substations into stage 1a and fire sprinkler water tank are ancillary to the approved centre which is a permissible form of development in the zone being “commercial premises”. The nature of the changes is considered to be consistent with the B2 Local Centre zone objectives.

The proposed changes are should in Zones A, B, C and D seek to include more specific details than those which were shown in the drawings associated with Modifications 5 and 6.

The changes detailed in this application is not considered to trigger any new assessable consideration which was considered acceptable in the original assessment and issuing of the original Development Consent.

4.2.4 Section 4.15 (1)(a)(ii) – draft environmental planning instruments

The application is not considered to trigger any new assessable consideration under any draft environmental planning instruments which were considered acceptable in the original assessment or subsequent Modifications.

4.2.5 Section 4.15(1)(a)(iii) – development control plans

The application seeks to ensure Council’s assessment of the original DA is consistent with the Shoalhaven Development Control Plan as detailed previously in this report.

4.2.6 Section 4.15(1)(a)(iiia) – planning agreements

There is a no VPA in relation to the subject site.

4.2.7 Section 4.15 (1)(a)(iv) – any matter prescribed by the regulations

The application is not considered to trigger any new assessable consideration under the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs.) which was considered acceptable in the original assessment and subsequent Modifications.

4.2.8 Section 4.15 (1)(a)(v) – Coastal zone

Refer to the information included above under the heading 4.2.1 SEPPs.

4.2.9 Section 4.15 (1)(b) impact on the environment

Pursuant to Section 4.15(1)(b) of the EP&A Act, ‘the likely impacts of that development’ have been considered under headings as follows:

Concept Plan

The modified design is consistent with the original approved Concept Plan and Project Application staging. This can be confirmed with a Design Statement prepared by the architects to form part of the formal Environmental Assessment for Modification 6. Given the proposed changes are minor no further design statement has been prepared with Modification 7.

Traffic Impacts

No impacts will occur as a result of the proposed changes in Modification 7 when compared to the approved design in Modification 6 in relation to traffic impacts.

Social Impacts

No changes are proposed in Modification 7 when compared to the approved design in Modification 6 in relation to social impacts.

Noise and Light Impacts

No changes are proposed in Modification 7 when compared to the approved design in Modification 6 in relation to noise and lighting impacts.

Water Quality and Waste Management

No changes are proposed in Modification 7 when compared to the approved design in Modification 6 in relation to water quality and waste management impacts.

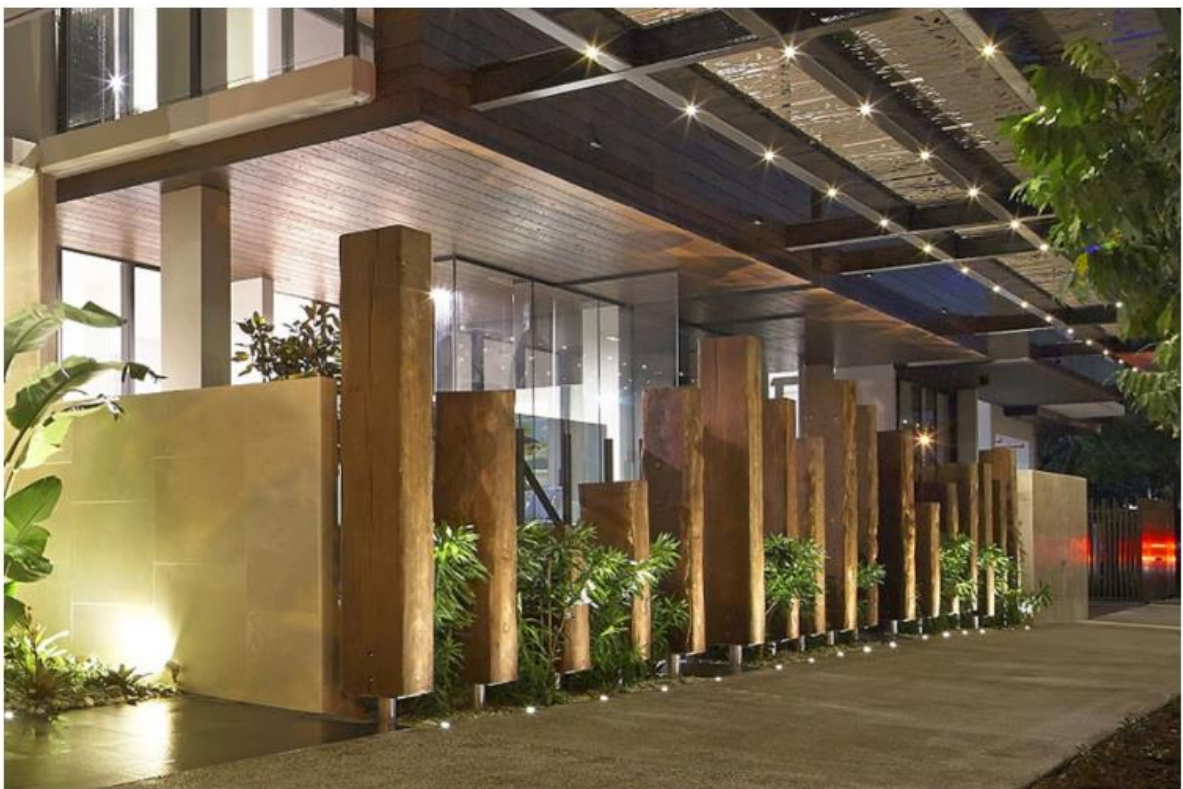
Adjoining Land

Potential impacts on adjoining land were investigated with the original Project Application and Modifications 2, 3, 4, 5 and 6.

The changes proposed in Modification 7 will improve the visual presentation of the site when viewed from Moona Creek Road with the inclusion of the timber screen feature and amended landscaping. As such, the changes proposed in Modification 7 do not alter the matters which were assessed as acceptable in the previous applications.

Visual Impact Considerations

The proposed change to include a timber screen feature treatment in addition to the existing palisade fencing adjacent to the Moona Creek Road loading dock area, will have a similar presentation as shown in the following photograph:



Photograph 9: recycled “former” street power poles.

The visual presentation of the alternate timber screen feature is considered to be an improvement when compared to the approved drawing information. In addition, the proposed drawings show more detail in Zone B, and having shown more detail the design outcome will have more certainty in how the timber screening feature can be implemented/constructed while at the same time screening the view line from Moona Creek Road towards the loading dock area. Therefore, the visual amenity of Moona Creek Road will be improved.

The changes proposed in the landscape architectural drawings are supported by a “Landscape Architectural Design Statement”, which is also included in **Appendix B**. In summary the nature of the landscape changes is to enable suitable species to be planted for the existing site conditions. In particular the landscape changes will improve the visual appearance of the batter area when viewed adjacent to the existing building from Moona Creek Road.

The proponent seeks the inclusion of all the drawings in Appendices A and B, to ensure clarity in the delivery of the project without reliance on information which is ambiguous in the current approvals for the elements detailed in Modifications 5 and 6, particularly relating to the landscape drawings and sketch drawings contained within previous Modifications.

The drawing information in this Modification has been prepared to supersede the specific details listed in items 1, 2 and 3 above under heading 2.2.1.

The amended drawing information provides sufficient information to ensure that there can be no confusion in the project implementation as part of the construction certificate and does not seek to rely on vague sketch drawings which have insufficient detail.

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 seek changes to the timing of road infrastructure in line with the size and growth of the centre.

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 will they alter the 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 habitat fence has been implemented along the boundary with the Environmental Zone and the VDC fence has been installed to function as a barrier to people gaining access to the Environmental Zone whilst also being permeable to flora and fauna. No changes are proposed to this portion of the site in this Mod 7 application.

The landscape treatment within the overland flow area has been carefully considered by Elke Haege Landscape Architect and this is reflected in the amended landscape drawings contained within **Appendix B**.

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 consistent with the original Concept Plan for the VDC.

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.

ESD

No changes are proposed in Modification 7 when compared to the approved design in Modifications 5 & 6 in relation to ESD considerations.

Cumulative Impact Considerations

It is considered that the provisions of Section 75W of the EP&A Act could be exercised in this instance to modify the approved Project Application via this Mod 7, based on the following:

1. If approved, the modification will not radically alter the development from its approved form. The footprint of the development is considered to be entirely consistent with the view formed by DP&E in the consideration of Modifications 2, 3, 4, 5 and 6. Refer to **Appendix A** amended architectural drawings as highlighted in red clouding, and **Appendix B** for amended landscape drawings;
2. there are no new assessable considerations under the EP&A Act and any SEPPs, REPs, LEPs, DCPs or Policies, and the proposal
3. The nature of the changes are not dissimilar to the previous approvals; and
4. The nature of the proposed changes relate to adjustments in the details to ensure the landscaping can be adequately implemented on site. More specifically, the nature of the changes sought seeks to modify Condition 2.1 of the Instrument of Approval are to replace previous landscape information.

It is considered this application meets the criteria associated with the test of adequacy and is not so dissimilar to previous approved Modifications.

6.0 CONCLUSION

This Environmental Assessment (EA) details the changes sought to previous Modifications and has assessed the changes as satisfactory under Section 75W of the EP& A Act (as amended).

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on (02) 9929 4044.

Yours sincerely,



**Marian Higgins
Planning Manager
Higgins Planning Pty Ltd**

APPENDIX A – AMENDED ARCHITECTURAL DRAWINGS

Higgins Planning Pty Ltd ABN 75 607 855 336

Phone	(02) 9929 4044
Email	admin@higginsplanning.com.au
Address	Suite 301, Level 3, 26 Ridge Street NORTH SYDNEY NSW 2060
Postal	PO Box 1269 QVB NSW 1230

APPENDIX B – AMENDED LANDSCAPE DRAWINGS

Higgins Planning Pty Ltd ABN 75 607 855 336

Phone	(02) 9929 4044
Email	admin@higginsplanning.com.au
Address	Suite 301, Level 3, 26 Ridge Street NORTH SYDNEY NSW 2060
Postal	PO Box 1269 QVB NSW 1230

APPENDIX C – MODIFICATION 5 STAMPED PLANS

Higgins Planning Pty Ltd ABN 75 607 855 336

Phone	(02) 9929 4044
Email	admin@higginsplanning.com.au
Address	Suite 301, Level 3, 26 Ridge Street NORTH SYDNEY NSW 2060
Postal	PO Box 1269 QVB NSW 1230

APPENDIX D – MODIFICATION 6 STAMPED PLANS

Higgins Planning Pty Ltd ABN 75 607 855 336

Phone	(02) 9929 4044
Email	admin@higginsplanning.com.au
Address	Suite 301, Level 3, 26 Ridge Street NORTH SYDNEY NSW 2060
Postal	PO Box 1269 QVB NSW 1230