



Vincentia District Town Centre

*Modification Assessment
(MP 06_0025 MOD 7)*

January 2019

© Crown Copyright, State of NSW through its Department of Planning and Environment 2019

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in Vincentia District Town Centre Modification Report MP 06_0025 MOD 7. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
Consent	Development Consent
Council	Shoalhaven City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>



Contents

Glossary	iii
1. Introduction	1
1.1 Background	1
1.2 The Site	1
1.3 Approval History	2
2. Proposed Modification	4
3. Statutory Context	8
3.1 Part 3A Transition to State Significant Development	8
3.2 Consent Authority	8
4. Engagement	8
4.1 Department's Engagement	8
4.2 Response to Submissions	9
5. Assessment	9
5.1 Visual Impacts	9
5.2 Other Issues	10
6. Evaluation	11
7. Recommendation	12
8. Determination	12
Appendices	13
Appendix A – Notice of Modification	13
Appendix B – Modification Request	13
Appendix C – Submissions	13
Appendix D – Response to Submissions	13



1. Introduction

1.1 Background

This report is an assessment of a request to modify the Project Approval MP 06_0025 for the construction a district town centre in Vincentia. The request has been lodged by Higgins Planning on behalf of Woolworths Group and Fabcot Pty Ltd (the Proponent), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to make changes to the approved landscaping on the site and amend the timing for the provision of some supporting infrastructure.

1.2 The Site

The Vincentia District Town Centre is a 12.24 hectare (ha) site located on the northern corner of the intersection of Naval College (Jervis Bay) Road and The Wool Road, Vincentia in the Shoalhaven local government area.

The site is bounded by residential development to the north, rural-residential uses to the west and undeveloped land to the east and south. The Vincentia township is located two kilometres (km) east of the site. A location plan is provided at **Figure 1**.



Figure 1 | Site Location

1.3 Approval History

Concept Plan Approval

On 25 January 2007, the then Minister for Planning approved a Concept Plan (MP06_0060) for: a district town centre to be developed in three stages; a 604 lot residential subdivision; and adaptable housing known as the Vincentia Coastal Village. The district centre portion of the Concept Plan allowed for up to 32,000 m² of gross floor area (GFA) and was the subject of a Design Excellence Competition.

The Concept Plan has been modified on 14 occasions. The modifications relate to the development of the residential lots and do not affect the district centre.

Project Approval

On 7 January 2009, the then Minister for Planning granted Project Approval (MP06_0025) for Stage 1 of the Town Centre including the construction of a 14,000 m² district town centre comprised of 10,000 m² of retail floor space and 4,000 m² of commercial/community uses GFA.

This proposal has been modified on six occasions, as outlined in **Table 1** below.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Approval Date
MOD 1	Deletion of conditions relating to the construction of a pedestrian underpass beneath Naval College Road	Department	10 April 2009
MOD 2	Amendments to the size and staging sequence of the centre, with Stage 1 including 22,600m ² of floor area and Stage 2 9,400m ² of floor area and associated changes to site and car parking layout and changes to timing of upgrades to surrounding roads.	Department	15 March 2011
MOD 3	Increasing the number of stages to 3 (known as stage 1A, 1B and 2); enclosing walkways within the centre resulting in the increase of 5000m ² in GFA; amending the car parking layout and number of spaces; and rationalising the centre's design and amendments to the external material finishes.	Planning Assessment Commission	8 August 2011
MOD 4	Increase to Moona Creek Road setback, reduction of retail tenancy sizes, mall widths and building footprints, reconfigured loading dock, amended materials and finishes and include carpark construction in Stage 1A.	Department	30 March 2012
MOD 5	Revised Staging (known as Stages 1, 2 and 3) with Stage 1 including both supermarkets, associated retail petrol station and fast food outlet and Stages 2 and 3 incorporating discount department store, bulky goods and other specialty retail, associated changes to site layout, carparking, loading docks, and landscaping, amendments to materials and finishes, reinstatement of retail uses to Moona Creek Road.	Planning Assessment Commission	18 November 2013
MOD 6	Split Stage 1 of the project into two stages (Stage 1a and Stage 1b), amend the approved stormwater management measures, reconfigure the internal layout of the shopping centre and loading dock area, and amend an external pedestrian pathway.	Department	15 December 2014

Stage 1A of the site has been developed, including two supermarkets, specialty shops, services and associated car parking.

The approved site layout, following Modification 6 is shown in **Figures 2** and **3**.



Figure 2 | Approved site layout including Stage 1A only (left) and full development of all stages (right) (source: approved plans Modification 6)

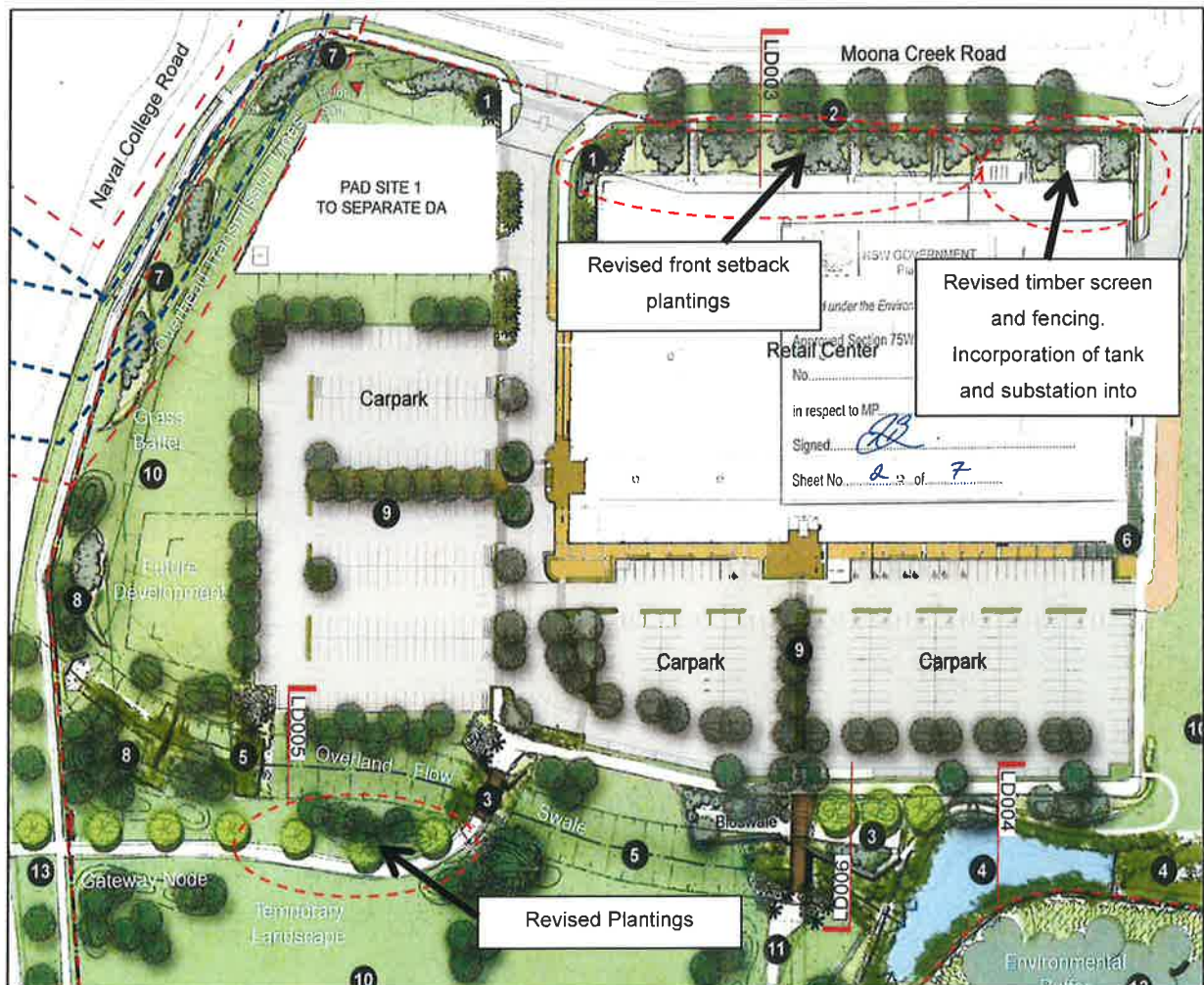


Figure 3 | Approved landscape plan with areas affected by the proposed modification circled in red (base image source: approved plans Modification 6)



2. Proposed Modification

The Proponent lodged a Section 75W modification request seeking approval to make changes to the landscaping on the site, including:

- revised planting along the Moona Creek Road frontage
- revised planting on the banks of an overland flow corridor
- design details of a recycled timber screen along the frontages adjacent to the loading area.

The modification also seeks to correct an error in the approved plans, incorporating necessary infrastructure required to support the development of Stage 1A (a substation and sprinkler tank) being included in that stage, rather than Stage 1B, as approved.

The proposed modifications to the landscaping are sought both to amend the existing scheme to better suit the site conditions and to provide more specific detail of plantings and landscape features to resolve ambiguities in the landscaping requirements due to inconsistencies and limited detail in the existing approved plans. These ambiguities have been identified through compliance investigations by the Department. To ensure there is no dispute about what is required to be provided on site, the Proponent seeks approval for clearer and more detailed plans.

The proposed modifications are summarised in **Table 2** and key design changes are illustrated in **Figures 4 to 9**.

Table 2 | Summary of proposed modifications

Proposed Modification	Description
Moona Creek Road Frontage Plantings	• Change to on-site plantings and additional detail to a section of the street frontage: ○ from approved indicated planting of five scribbly gums with a mature height of 8 m to 15 m and 'native understorey planting where appropriate' ○ to proposed 13 smaller scribbly gums (mature height of 6 metres) and 11 brushboxes (mature height of 10 m) as well as detailed understorey planting of specific shrubs and groundcovers • Additional details and changes to soils, retaining and bank stabilisation • No change to approved street tree plantings or approved plantings in other parts of the frontage.
Overland Flow Corridor Plantings	• Change to on-site plantings and additional detail in relation to a section of swale plantings (south-west of pedestrian bridge): ○ from approved indicative eight native trees with understorey planting (species unspecified) ○ to proposed 18 native trees (mature height of 6 metres) and 11 brushboxes (mature height of 10 m) as well as detailed understorey planting of specific shrubs and groundcovers • Notation on landscape plan to protect all other swale areas which are naturally regenerating.
Timber Screen, fencing and Signage	• Details of a timber screen / landscape feature adjacent to the Moona Creek Road roundabout entry to the site consisting of natural timber poles of varying height in front of an existing palisade fencing sought to be retained. • The screen would incorporate identification signage with 'Vincentia' in block lettering. • The details replace the approved timber fencing / screen details.
Staging	• Incorporation of a substation and sprinkler tank into Stage 1A (currently shown on the plans to be provided in Stage 1B).

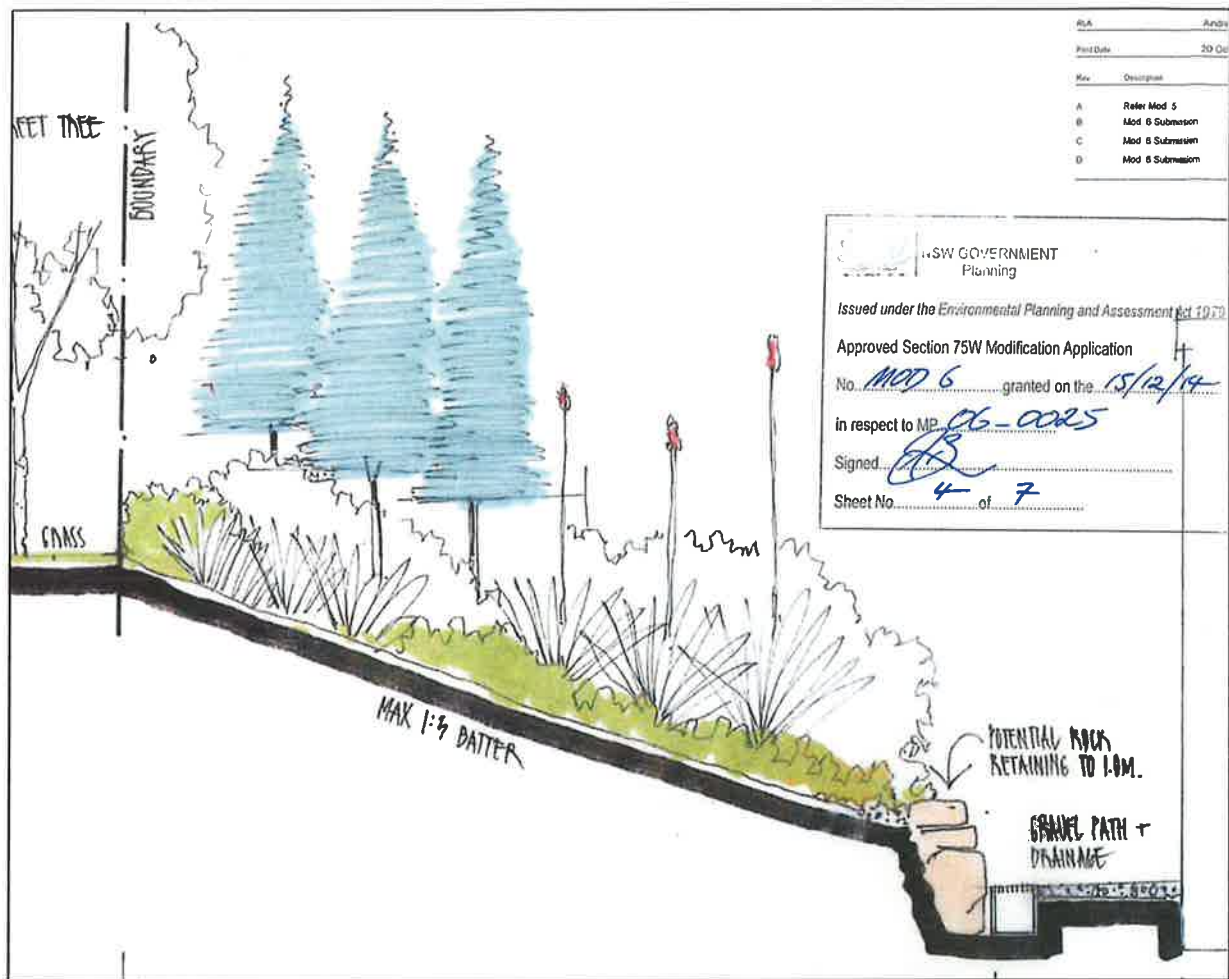


Figure 4 | Approved cross section of plantings to Moona Creek Road frontage showing indicative plantings
(source: Mod 6 Approved Plans)

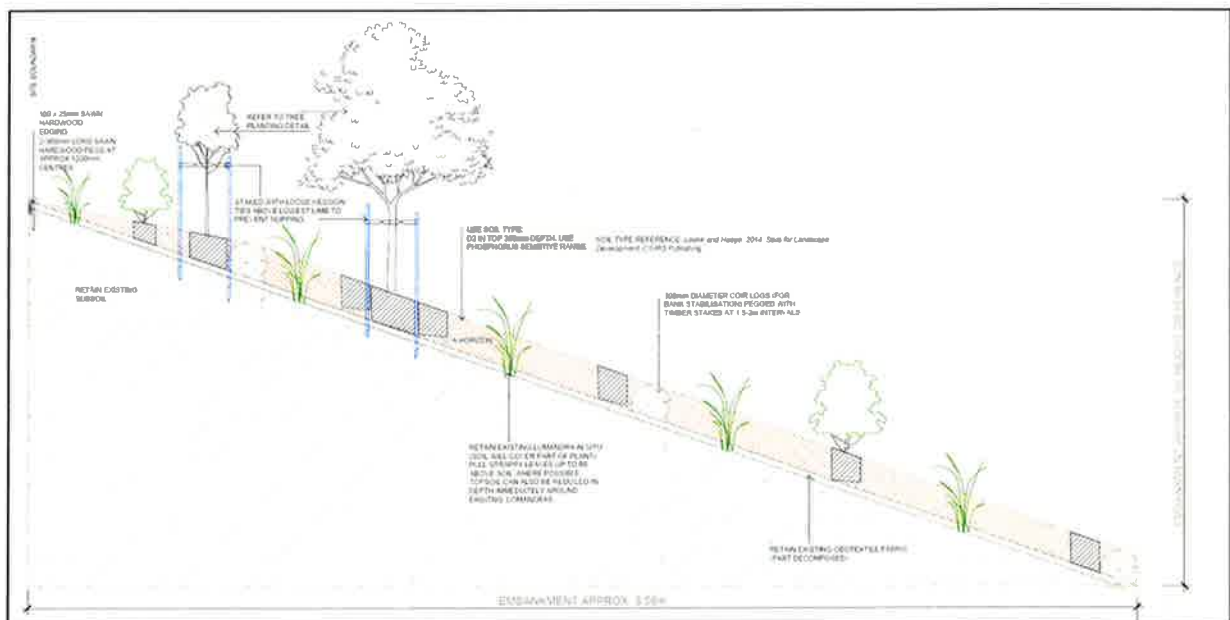


Figure 5 | Proposed cross section of plantings on Moona Creek Road frontage showing specific plantings
(source: Mod 7 application documents)

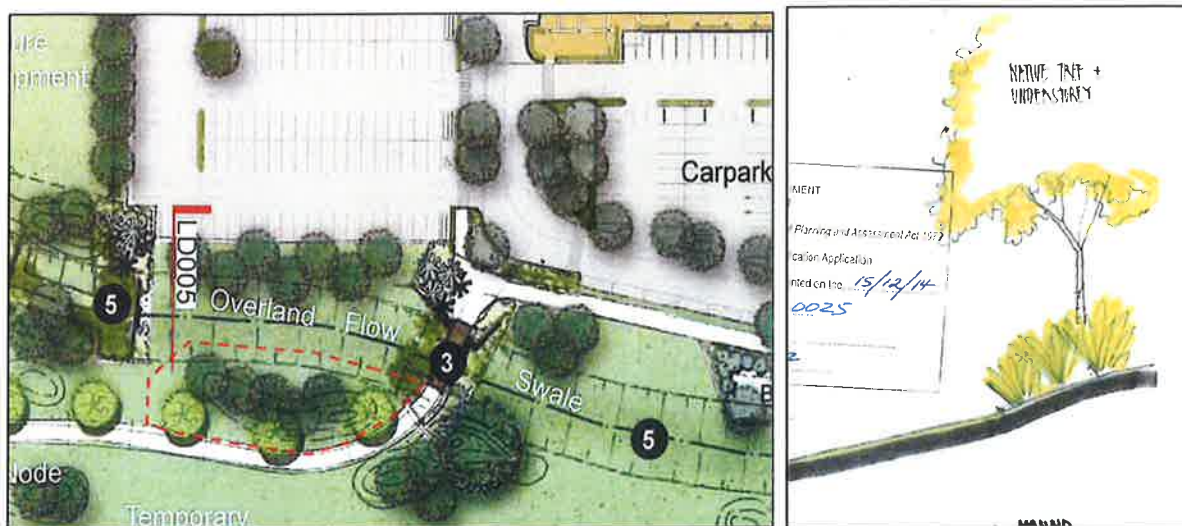


Figure 6 | Extract from approved landscape plan and associated section showing limited detail of proposed plantings to this section of the site. (source: Mod 6 approved plans)

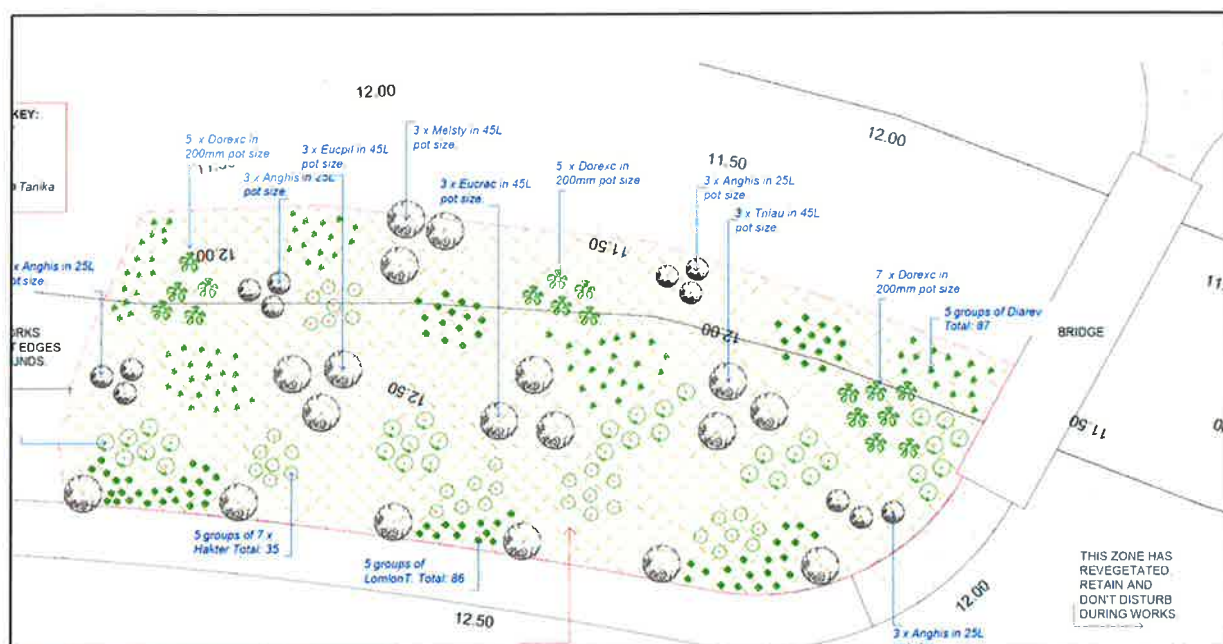


Figure 7 | Proposed landscape plan showing detailed plantings (source: Mod 7 application documents)



Figure 8 | Image of indicative timber screen and boundary treatments approved as part of Modification 5
(source: Mod 5 application documents)



Figure 9 | Perspective Drawing of proposed timber screen. The services infrastructure (sprinkler tanks and substation sought to be included as part of Stage 1A is also shown. (source: Mod 7 application documents)



3. Statutory Context

3.1 Part 3A Transition to State Significant Development

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

3.2 Consent Authority

The Minister for Planning is the approval authority for the request. However, the Executive Director, Key Sites and Industry Assessments may determine the request under delegation as:

- Council has not made an objection;
- a political donation disclosure statement has been made in relation to a previous related application; and
- less than ten public submissions were received objecting to the proposed modification.



4. Engagement

4.1 Department's Engagement

The Department made the modification request publicly available on its website and consulted with Shoalhaven City Council (Council).

Council did not object to the proposed modification and advised:

- it supports the provision of the timber screen feature as it would screen the sprinkler tanks and improve the aesthetics of the area
- it supports the provision of additional landscaping as proposed
- it requests a timeframe be placed on the completion of works.

One **public** submission was received raising concerns with the modification including:

- the proposed timber screen will not address noise issues with the current use of the loading dock.
- landscaping along the overland flow swale is reduced under the proposal, effectively removing a landscape buffer between the shopping centre and adjoining development to the north.
- the landscape plans are inaccurate – showing trees for retention that do not currently exist.
- a completion date for the works should be specified by condition.

4.2 Response to Submissions

On 28 August 2018, the Proponent submitted a Response to Submissions (RTS) to address matters raised in the submissions including:

- additional information on noise management requirements
- additional information outlining reasoning for proposed landscaping amendments.

On 19 December 2018, the Proponent submitted additional information in response to the Department's concerns about the solid fencing adjacent to the loading dock, being replaced with palisade fencing.



5. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original project
- all submission received on the proposal and the Applicant's response to the submissions
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue for the modification request is the visual impact of the proposal on the Moona Creek Road streetscape. The Department's assessment of other issues is set out in **Table 3**.

5.1 Visual Impacts

The appearance of the development and its presentation to surrounding streets has been a key assessment issue for the proposal. As a result of concerns raised about the visual impact of the development, previous modifications incorporated the following treatments to the Moona Creek Road frontage:

- a feature screen adjacent to the loading dock (Modification 5)
- landscaping along the front setback (Modification 6).

The Department also notes the timber screen approved in Modification 5 was not shown in the Modification 6 documentation or plans, although nor did Modification 6 seek to delete this aspect of the approval.

The Department notes Council and the public submission both advised the timber screen that is now proposed results in an improvement to the aesthetics of the area and no concerns are raised with the visual impacts of the landscaping along the Moona Creek Road frontage.

The Department agrees with the submissions that the proposed timber screen is acceptable and considers the design of the screen is not substantially different from that indicated in the Modification 5 documentation. The screen would assist with mitigating the visual impacts of the loading dock and services infrastructure in this part of the site and would assist with identifying the site and marking the entry.

The Department also considers the proposed landscaping results in an improvement to the streetscape, noting the extent of plantings would be increased under the proposal (from 5 to 24 trees and significant shrubs and groundcovers). While the maximum height of the trees would be reduced (from 15 metres to 10 metres), the proposed trees would still assist with screening the building, noting the single storey scale of the development and sloping nature of the site with the building located below the street level. Upon maturity, the taller trees will exceed the building façade height and all trees will assist with screening and softening the appearance of the building within the Moona Creek Road streetscape.

The Department notes the proposed plans also show an amended fencing design adjacent to the timber screen, surrounding the loading dock and plant / infrastructure area. The plans and details approved in Modifications 5 and 6 both indicate solid walls / fences adjacent to the loading dock area, preventing views of the loading dock from the street. However, the proposed plans indicate retention of an existing palisade style fence in this location.

The Department raised concerns with the proposed retention of palisade fencing, as it would potentially allow for views of the loading dock and the infrastructure (water tank and substation) now provided in this part of the site.

The Proponent responded, noting:

- the MOD 5 and MOD 6 plans are unclear in relation to the fencing
- the palisade fence has already been constructed
- additional planting could be provided to reduce visual impacts

The Department considers the palisade fencing is acceptable, subject to a new condition requiring additional screen planting being provided with a mature height of 1.5 m along the full length of the palisade fence. The Department considers this, in combination with the proposed timber screening would appropriately screen the loading dock areas from the public domain. Subject to this condition, the Department is satisfied the proposed modification would not result in any adverse visual or streetscape impacts compared with the approved development.

5.2 Other Issues

Table 3 | Summary of other issues raised

Issue	Findings	Recommended Condition
<i>Landscaping to overland flow areas</i>	• The public submission raised concern about the proposal resulting in the loss of landscaping along the overland flow area, effectively removing the landscape buffer between the site and adjoining development. • However, the Department notes the modification would increase the extent of plantings within the site subject of the modification (from 8 indicative trees to 18 specific trees with understorey plantings) thereby improving the landscape buffer in this part of the site. • Further, the proposal has not sought to delete the approved plantings in any other sections of the overland flow swale, rather, it seeks to protect revegetation in these areas. • The Department is therefore satisfied the approved landscape buffer would be retained and the additional landscaping would improve the appearance of this part of the site.	No additional conditions or amendments necessary.
<i>Noise</i>	• The public submission raised concern the proposed change to the timber screening would not address noise issues associated with the use of the loading dock area. • In response, the Proponent advised the purpose of the approved screen and fencing was only a visual one, and the treatments did not serve any acoustic purpose. As such, there is no requirement for the revised design to incorporate	No additional conditions or amendments necessary.

	acoustic mitigation measures.	
	The Department has reviewed the previous assessments and is satisfied the approved boundary treatments were not designed to serve any acoustic mitigation purpose. As such, the Department considers the design of the proposed screen and fencing is acceptable.	
Completion	- Both Council and the public submission suggested that a timeframe for completion of the works should be included as a condition of consent. - Given the development has been built and the works are required to mitigate against visual impacts, the Department agrees a timeframe should be imposed for completion of the works. - A condition has therefore been recommended requiring the approved works to be completed within 12 months of the modification approval.	A condition has recommended requiring works to be completed within 12 months.
Signage	- The proposal includes identification signage on the timber screen, with block lettering of "Vincentia", similar to that indicated on the documentation approved as part of Modification 5. - The Department has considered the signage against the provisions of State Environmental Planning Policy No 64 (advertising and signage) (SEPP 64) and is satisfied the proposed signage is appropriate for the town centre site, assists with way finding, would not adversely affect the character of the area or the streetscape, and results in no adverse safety concerns. - As such, the Department is satisfied the proposed signage is appropriate and is consistent with the objectives of SEPP 64.	No additional conditions or amendments necessary.
Staging of Services Infrastructure	- The proposal incorporates a substation and sprinkler tank into Stage 1A (currently shown on the plans to be provided in Stage 1B). - The Department notes the Proponent's advice that the infrastructure is necessary to support the Stage 1A development and therefore rectifies an error in the original staging plans. - The Department considers no adverse impacts arise from the provision of the infrastructure in Stage 1A as compared to its provision in Stage 1B as approved.	No additional conditions or amendments necessary.
Other	- The public submission raised a concern that the landscape plans are inaccurate – showing trees for retention that do not currently exist. - The Department notes any existing trees shown on the proposed plans are outside of the area proposed to be modified and as such, any inaccuracies on the plans do not affect the assessment of this modification or the approved landscaping in the remaining parts of the site.	No additional conditions or amendments necessary.



6. Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements in the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- in the context of the entire development, the proposed changes are relatively minor and would not materially change the nature of the approved development
- the proposed changes would reduce ambiguities and errors in the existing approved plans and improve certainty as to what landscaping is required on the site
- the proposed landscaping and timber screen are considered to be acceptable and would appropriately screen and soften the appearance of the development
- subject to additional screen planting, the palisade fencing adjacent to the loading dock area is acceptable.

Consequently, the Department recommends the modification request be approved in accordance with the modification instrument at **Appendix A**.



7. Recommendation

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent MP 06_0025
- **signs** the attached approval of the modification (Appendix A)

Recommended by:

Anthony Witherdin

Director

Regional Assessments



8. Determination

The recommendation is: **adopted by:**

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments

18/1/2019



Appendices

Appendix A- Notice of Modification

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8892

Appendix B- Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

Modification Request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8892

Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8892

Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8892