

***Environmental Planning and Assessment Act 1979***  
**Determination of Major Project Application No. 06\_0025**  
**(File No. S06/00424)**

**PROJECT APPLICATION FOR**  
**VINCENTIA DISTRICT TOWN CENTRE, STAGE 1**

I, the Minister for Planning, pursuant to section 75J of the Environmental Planning and Assessment Act 1979, determine the Major Project No. 06\_0025 referred to in the attached Schedule 1, by granting approval subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure the orderly development of Stage 1 of the Vincentia District Town Centre,
- (2) To mitigate and manage environmental impacts of the development, and
- (3) To ensure the ongoing effective management of the development and associated impacts.

Project Application approved 7 January 2009

MOD 1 approved 10 April 2009

MOD 2 approved 15 March 2011

MOD 3 approved 8 August 2011

MOD 4 approved 30 March 2012

MOD 5 approved 18 November 2013

MOD 6 approved 15 December 2014

MOD 7 approved 18 January 2019

MOD 8 approved xxxx

The Hon. Kristina Keneally MP

**Minister for Planning**

Sydney, 2009

## Schedule 1

### Part A – Table

<b>Proponent:</b>	Fabcot Pty Ltd
<b>Application made to:</b>	Minister for Planning and Infrastructure
<b>Major Project Number:</b>	06_0025
<b>On land comprising:</b>	Lot 177 DP 1123782, Lot 801 DP1022286, Lots 2 and 3 DP 1118806, and Lots 72 and 73 DP874040
<b>Local Government Area:</b>	Shoalhaven City Council
<b>Approval in summary for:</b>	<b>Stages 1, 2 and 3</b> of the Vincentia District Town Centre
<b>Capital Investment Value</b>	\$80 million
<b>Type of development:</b>	Project approval under Part 3A of the Act
<b>Determination:</b>	Project approval is granted subject to the conditions in the attached Schedule 2

### Part B – Definitions

In this approval the following definitions apply:

**Act** means the Environmental Planning and Assessment Act 1979

**Council** means Shoalhaven City Council

**Department** means the Department of Planning or its successors

**~~Director-General~~ Secretary** means the **~~Director-General~~ Secretary** of the Department

**Environmental Assessment** means the document titled Environmental Assessment Report – Proposed

Vincentia District Town Centre – Stage 1 prepared by Don Fox Planning dated 22 April 2008

**Major Project No. 06\_0025** means the project described in condition 1.1 of Schedule 2 and accompanying plans and documentation described in condition 1.2 of Schedule 2

**Minister** means the Minister for Planning

**Project** means development that is declared under section 75B of the Act to be a project to which Part 3A of the Act applies

**Proponent** means the person proposing the carry out of development comprising all or part of the project, and includes persons certified by the Minister to be the Proponent

**Regulation** means the Environmental Planning and Assessment Regulation 2000

~~RTA means the Roads and Traffic Authority of NSW~~

**RMS** means Roads and Maritime Services

**Statement of Commitments (SoC)** means the Statement of Commitments, as they apply to this project, made by the Proponent

**Subject Site** means the land identified in Part A of this Schedule

### **Summary of Modifications**

**MP06\_0025:** On 7 January 2009, the then Minister for Planning approved a Project Approval for Stage 1 of the Vincentia District Town Centre comprising:

- (a) site preparation works (including earthworks and vegetation clearing) with the Stage 1 footprint,
- (b) subdivision to create a 12.24 ha lot upon which the District Centre will be constructed,
- (c) approximately 14,000m<sup>2</sup> of floor area, comprising 10,000m<sup>2</sup> of retail space (including two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets) and 4,000m<sup>2</sup> of commercial/community space (including a library, centre management, amenities and commercial/community tenancies),
- (d) fit out and occupation of the Woolworths and Aldi supermarkets,
- (e) roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas),
- (f) 683 car parking spaces, two loading docks and trolley storage,
- (g) provision of infrastructure for water, sewerage, electricity and telecommunications, (h) water sensitive urban design, and
- (i) associated works.

**MP06\_0025 MOD 1:** On 10 April 2009, the ~~Director-General~~ Secretary approved a modification to the Project Approval. Modification includes:

- (a) Delete conditions of approval 2.17 and 2.18

**MP06\_0025 MOD 2:** On 15 March 2011, the Executive Director approved a modification to the Project Approval. Modification includes:

- site preparation works (including earthworks and vegetation clearing) associated with Stage 1 and Stage 2 footprint;
- subdivision to create 12.16ha lot upon which the District Centre will be constructed;
- Stage 1 approximately 22,600sqm of gross floor area, comprising 20,880sqm of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail outlets inclusive of Kiosks and mini/major retail outlets and 1,720sqm of commercial gross floor area, centre management and amenities and Stage 2 approximately 9,400sqm of gross floor area comprising 7,669sqm of gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini/major retail outlet) and 1,731sqm of gross floor area of

community space including use for a library and amenities) being a total gross floor area for the centre of 32,000sqm;

- fit out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths;
- roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, The Wool Road, external road works, footpaths and open space areas);
- a minimum of 949 car parking spaces are to be provided in Stage 1 and a minimum of 1,307 car parking spaces are to be provided at the completion of Stage 2, along with loading docks and trolley storage;
- provision of infrastructure for water, sewerage, electricity and telecommunications;
- water sensitive urban design; and
- associated works and road works.

**MP06\_0025 MOD 3:** On 8 August 2011, the Planning Assessment Commission approved a modification to the Project Approval. Modification includes:

- the construction of the Centre in 3 stages;
- the enclosure of pedestrian walkways;
- the redesign of the car parking layout; and
- amending external materials and finishes.

**MP06\_0025 MOD 4:** On 30 March 2012, the Deputy ~~Director-General~~ Secretary approved a modification to the Project Approval. Modification includes:

- increase Moona Creek Road setback;
- reduce size of specialist tenancies;
- reconfigure loading dock;
- roofline modifications;
- reduce mall widths;
- reduce building footprint;
- raising floor level;
- amendments to materials and finishes;
- amendments to main entry carpark; and
- car park constructed in Stage 1a.

## Schedule 2

### Conditions of Approval

#### 1. ADMINISTRATIVE CONDITIONS

##### Development Description

- ~~1.—~~
  - ~~1.— Project approval is granted for the construction of the Vincentia District Centre in three stages as follows:~~
    - ~~a.— Stage 1 having 11,833m<sup>2</sup> of gross floor area comprised of the following:~~
      - ~~a.— Woolworths supermarket with associated liquor (4,187m<sup>2</sup>)~~
      - ~~b.— Aldi supermarket (1,396m<sup>2</sup>)~~
      - ~~c.— Specialty retail and commercial (2,917m<sup>2</sup>)~~
      - ~~d.— Mini/major retail outlets (1,122m<sup>2</sup>)~~
      - ~~e.— Amenities (201m<sup>2</sup>)~~
      - ~~f.— Arcade (1,590m<sup>2</sup>)~~
      - ~~g.— Petrol station (70m<sup>2</sup>)~~
      - ~~h.— Fast food outlet (350m<sup>2</sup>)~~
    - ~~b.— Stage 2 having 13,223m<sup>2</sup> of gross floor area comprised of the following:~~
      - ~~i.— Discount department store (Big W) (7,780m<sup>2</sup>)~~
      - ~~ii.— Specialty retail (2,186m<sup>2</sup>)~~
      - ~~iii.— Arcade (1,719m<sup>2</sup>)~~
      - ~~iv.— Mini/major retail outlets (138m<sup>2</sup>)~~
      - ~~v.— Library (1,400m<sup>2</sup>)~~
    - ~~c.— Stage 3 having 6,902m<sup>2</sup> of gross floor area comprised of bulky goods / retail;~~
    - ~~d.— Site preparation works (including earthworks and vegetation clearing) associated with all stages;~~
    - ~~e.— Subdivision to create a 12.16ha lot upon which the District Centre will be constructed;~~
    - ~~f.— The provision of loading docks, trolley storage and car parking spaces as follows:~~
      - ~~i.— 531 retail spaces in Stage 1~~
      - ~~ii.— 450 retail spaces and 58 library spaces in Stage 2~~
      - ~~iii.— 150 retail spaces in Stage 3~~
    - ~~g.— Provision of infrastructure for water, sewerage, electricity and telecommunications;~~
    - ~~h.— Water sensitive urban design; and,~~
    - ~~i.— Associated road works.~~
  - ~~2.— No approval is given for those areas identified as 'Future Development Site' located adjacent to the intersection of The Wool Road and Naval College Road on the Phasing Plan, Drawing No. DA0103 Rev Z, undated, prepared by Scott Carver. Any development on this part of the site is to be the subject of a separate application.~~

- ~~3. The retail tenancies facing Moona Creek Road in Stage 1, as shown on the Phasing Plan, Drawing No.DA 0103 Revision Z, are modified to allow for commercial or retail tenancies.~~

## **Development Description**

1.1 (1) Project approval is granted for the construction of the Vincentia District Town Centre in stages as follows:

- a) Stage 1a having 11,053 m<sup>2</sup> of gross floor area comprised of the following:
  - i) Woolworths supermarket with associated liquor store (4,187 m<sup>2</sup>);
  - ii) Aldi supermarket (1,396 m<sup>2</sup>);
  - iii) specialty retail and commercial (2,606 m<sup>2</sup>);
  - iv) mini/major retail outlets (1,111 m<sup>2</sup>);
  - v) amenities (241 m<sup>2</sup>); and vi) arcade (1,512 m<sup>2</sup>).
- b) Stage 1b comprising two 250 m' specialty stores fronting Moona Creek Road.
- c) Stage 2 having 12,834 m' of gross floor area comprised of the following:
  - i) discount department store (Big W) (7,780 m<sup>2</sup>);
  - ii) specialty retail (1,997 m<sup>2</sup>);
  - iii) arcade (1,797 m<sup>2</sup>); and
  - iv) mini/major retail outlets (1,260 m<sup>2</sup>).
- d) Stage 3 having 6,902 m<sup>2</sup> of gross floor area comprised of 5,502 m<sup>2</sup> of bulky goods/retail floor space and a 1,400 m<sup>2</sup> library;
- e) Site preparation works (including earthworks and vegetation clearing) associated with all stages;
- f) Subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;
- g) The provision of loading docks, trolley storage and car parking spaces as follows: vii) 434 retailspaces in Stage 1a i) 25 Moona Creek Road spaces in Stage 1b ii) 883 retailspaces in Stage 2 and 3.
- h) Provision of infrastructure for water, sewerage, electricity and telecommunications;
- i) Water sensitive urban design; and
- j) Associated road works.

(2) No approval is given for the area identified as 'Future Development Site' (identified as PAD1) located adjacent to the intersection of Moona Creek Road and Naval College Road as depicted in drawings DA 001 Rev D, dated 20/10/14, DA0104 Rev F, dated 2011012014, D40103 Rev BB dated 20110114, DA1202 Rev Z dated 20110114, D41203 Rev B dated '1110712014, and D41900 Rev D dated 2011012014, prepared by Scott Carver. Any development on this part of the site is to be the subject of a separate development application.

The area identified as 'Future Development Site' (known as PAD2) located adjacent to Naval College road at the south-west corner of the Stage 1 car park shall be deleted.

(3) The retail tenancies facing Moona Creek Road in Stage 1b, as shown on the Phasing Plan, Drawing No D40103 Revision BB dated 2011012014, are modified to allow for commercial or retail tenancies.

## 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 Centre – Stage 1 – prepared by Don Fox Planning and dated 22 April 2008;
- b. Response to Agency and Public Submissions including Revised Statement of Commitments prepared by Don Fox Planning and dated 10 October 2008;
- c. As amended by Environmental Assessment Report – Modification of Project Application Vincentia District Centre 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 Group 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\_0205 - 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 17<sup>th</sup> June 2013', Statement of Commitments dated 30 August 2013 and the following drawings:
- h. As amended by The Environmental Assessment for Major Project Application No. 06\_0025 Vincentia District Centre - Modification 6 dated July 2014, prepared by The Planning Group, as amended by the Response to Submissions and Preferred Project Report dated 21 October 2014, prepared by The Planning Group and ~~the following~~ associated drawings:
- i. As amended by the Environmental Assessment for Major Project Application No. 06 0025 Vincentia District Centre – Modification 7 titled “Amended Information in Response to Request for information” dated 13 May 2018, prepared by Higgins Planning, including appendices and associated drawings:
- j. As amended by the Environmental Assessment for Major Project Application No. 06 0025 Vincentia District Centre – Modification 8 dated 27 July 2020, prepared by Higgins Planning, including appendices and associated drawings as amended by the Response to Submissions dated 2 November 2020 and revised landscape plan dated 25 November 2020.

(j) k The following drawings:

**Architectural  
Drawings prepared  
by Scott Carver**

<b>Drawing No</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b>DA-0103</b>	<b>Z</b>	<b>Phasing Plan</b>	<b>Undated</b>
<b>DA-1202</b>	<b>V</b>	<b>Plan Stage 1 – North East</b>	<b>Undated</b>
<b>DA-1501</b>	<b>K</b>	<b>Elevations and Finishes – Sheet 1</b>	<b>Undated</b>
<b>DA-1502</b>	<b>I</b>	<b>Elevations and Finishes – Sheet 2</b>	<b>Undated</b>
<b>DA-1900</b>	<b>B</b>	<b>GFA Calculation Sheet</b>	<b>Undated</b>

**Landscape Plan  
prepared by Scott  
Carver**

<b>-</b>	<b>-</b>	<b>Stage 1 Landscape Masterplan</b>	<b>Undated</b>
<b>DA-01</b>	<b>A</b>	<b>Vincentia District Centre</b>	<b>Undated</b>
<b>DA-02</b>	<b>A</b>	<b>Vincentia District Centre</b>	<b>Undated</b>

**Civil Drawings  
prepared by  
Cardno Forbes  
Rigby**

<b>1000</b>	<b>1</b>	<b>BBLC Access Concept Plan</b>	<b>26/06/13</b>
<b>1001</b>	<b>1</b>	<b>TWR Roundabout Concept Plan</b>	<b>26/06/13</b>



<b>Architectural Drawings Prepared by Scott Carver</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA0103	BB	Phasing Plan	20/10/2014
DA0104	F	Stage 1A Plan	20/10/2014
DA1202	Z	Stage 1A Plan – North West	20/10/2014
DA1203	B	Stage 1B Plan	11/07/2014
DA1501	M	Elevations and Finishes – Stage 1A (Sheet 1)	20/10/2014
DA1502	M	Elevations and Finishes – Stage 1A (Sheet 2)	20/10/2014
DA1900	G	GFA Calculation Sheet	20/10/2014

SCH 02	B	Schedule of Exterior Finishes	07/07/2014
<b>Landscape Plans Prepared by Scott Carver</b>			
000	D	Landscape Title Page	20/10/2014
DA001	D	Stage 1A Landscape Design Summary	20/10/2014
DA002	D	Landscape Planting Pallet	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
<b>Civil Drawings prepare by Cardno Forbes Rigby</b>			
82014088- 01-c100s	B	Carpark Layout and Drainage Layout Sheet 4 of 4	14/07/2014

**As amended by the following drawings:**

<b>Architectural Drawings Prepared by TRG Brisbane</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b><u>360</u></b>	<b><u>5</u></b>	<b><u>Site Plan – Vincentia District Town Centre MOD 7 Design Response</u></b>	<b><u>27.03.2018</u></b>
<b><u>361</u></b>	<b><u>4</u></b>	<b><u>Vincentia District Town Centre MOD 7 Design Response</u></b>	<b><u>26.03.2018</u></b>
<b><u>362</u></b>	<b><u>5</u></b>	<b><u>Vincentia District Town Centre MOD 7 Design Response</u></b>	<b><u>26.03.2018</u></b>
<b>Landscape Plans Prepared by Elke Landscaping</b>			
<b><u>L 101</u></b>	<b><u>C</u></b>	<b><u>Landscape Architectural Additional Planting Plan, Zone C</u></b>	<b><u>13.06.2018</u></b>
<b><u>L 101</u></b>	<b><u>B</u></b>	<b><u>Landscape Architectural Additional Planting Plan, Zone A</u></b>	<b><u>01.03.2018</u></b>

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of

- compliance with the BCA and any Australian Standards incorporated in the BCA; and
- as otherwise provided by the conditions of this approval.

### **Inconsistency between Plans and Documentation**

~~1.3 In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval will prevail.~~

**In the event of an inconsistency between:**

- the conditions of this approval and the drawings/documents referred to in condition 1.2, the conditions of this approval prevail to the extent of the inconsistency;**
- any drawing/document listed in condition 1.2, the most recent drawing/document shall prevail to the extent of the inconsistency; and**
- the conditions of this approval to the proponent's Statement of Commitments, the conditions of this approval prevail to the extent of the inconsistency.**

### **Lapsing of Approval**

1.4 Pursuant to section 75Y of the Act, this project approval will lapse 10 years after the date on which it is granted unless construction work on the project has commenced.

### **Prescribed Conditions**

1.5 The proponent shall comply with the prescribed conditions of project approval under section 75J(4) of the Act.

## **2. GENERAL CONDITIONS**

### **Construction Management Plan**

2.1 A Construction Management Plan (CMP) is to be prepared as outlined in the Proponent's Statement of Commitments and approved by Council or an accredited certifier prior to the issue of ~~the~~ **any** construction certificate. The CMP must also:

- (a) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna,
- (b) identify trees (as defined in clause 5 of Shoalhaven Tree Preservation Order 2004), including species, condition and remedial works, that will be retained around the perimeter of the site and protected during the construction works,
- (c) detail the type and quantities of construction waste and include an estimate of the waste materials that will be re-used or recycled,
- (d) document the strategies used to ensure efficient use of building material and to minimise waste,
- (e) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris,
- (f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the “Blue Book”,
- (g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall be in accordance with the **RMS RTA's** manual – Traffic Control at Work Site, and
- (h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers.

**(i) include a traffic and parking management plan which clearly describes the methods proposed to be employed to separate shopper and pedestrian traffic associated with operating stage(s) from the construction traffic associated with the construction of subsequent stages.**

## **Construction Access Arrangements**

2.2 Vehicles associated with the construction of the development shall not use the existing Bayswood Avenue and adjacent residential streets for site access. ~~Access to the subject site shall be through the intersection of Moona Creek Road with Naval College Road.~~

## **Construction Hours**

2.3 All construction work shall be restricted to the hours of 7:00am to 6:00pm Monday to Friday, and 8:00am to 3:00pm Saturdays. No construction work shall take place on Sundays or public holidays.

2.4 Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage with the prior written approval of the Department.

### **Site Filling and Disposal**

~~2.5 The subject site shall be generally filled according to the plans as shown in Appendix E and F being Cardno Forbes Rigby P/L report and drawings dated June 2010 and Appendix B D to the Environmental Assessment and Submissions reports (as referred in condition 1.2(c) (e) of this approval) being the plans prepared by Cardno Pty Ltd submitted with this application and the architectural plans prepared by Rice Daubney Architects, except as amended by condition of this approval.~~

2.6 The Proponent shall obtain a certificate from a qualified practicing engineer confirming the satisfactory compaction of the filling and the suitability of the subject site for the intended purpose prior to commencement of building works.

2.7 Filling is:

- (a) to generally have a maximum batter of 25% (IV:4H) at any location on the subject site. Variations to this standard to achieve steeper slopes may only be permitted where needed to achieve best practice wetland design for on-site WSUD elements,
- (b) not to encroach onto adjoining land or the Environmental Zone,
- (c) not to cause the diversion of concentrated natural overland stormwater runoff onto adjoining property,
- (d) to be protected against erosion and sedimentation, with measures included in the soil and water management plan, and
- (e) to include adjustment of services (e.g. manholes, inter-allotment drainage etc) in the scope of works.

2.8 All excavated surplus material shall be hauled to an approved landfill site or a site that has an approved DA to receive fill. Details of fill storage and/or disposal and haulage routes shall be submitted to Council or an accredited certifier for approval prior to the commencement of fill disposal works.

### **Design Requirements**

2.9 Final designs for civil works including stormwater and drainage works, roadways, footpaths and pavements shall be approved by Council or an accredited certifier prior to the issue of the construction certificate. These works shall be designed:

- (a) by a qualified practicing civil engineer, and

(b) in accordance with the relevant requirements of Council, Australian Standards and AUSTROADS (Part 13 and 14).

## **Landscaping**

2.10 Landscaping works associated with ~~Stage 4~~ **each stage** (as shown in documentation referenced in condition 1.2 of this approval) shall be completed prior to the issue of the occupation certificate for ~~Stage 4~~ **that stage** of the District Centre.

~~2.11 The Proponent shall use local provenance native climbers over the arbour structure to Arbour Walk and is to use plants of local provenance in the landscaping of the remainder of Stage 1 of the District Centre. All species shall be selected with due regard to the Threatened Species Management Plan (prepared for the concept approval and subsequent Commonwealth EPBC referral).~~

The proponent shall use local provenance native climbers within the arbour screen elements fixed along the façade of Arbour Way in Stage 1, and is to use plants of local provenance in the landscaping of the remainder of Stage 1, 2 and 3 of the District Centre. All species shall be selected with due regard to the Threatened Species Management Plan dated 5 September 2012.

2.12 The landscaping of roundabouts within the subject site shall not obstruct sightlines and shall be designed to avoid branches overhanging the streets and roadways. Roundabouts shall be designed to meet the requirements specified in **RTA RMS** guidelines.

**2.12A All planting located beneath overhead power lines is to comply with the requirements of ~~Integral Energy's~~ Endeavour Energy's policy MMI0013. Clearances are to be maintained between network assets and vegetation.**

## **Footpath/Pathway Construction**

2.13 A concrete paved footpath shall be constructed for the full frontage of Halloran Avenue and Moona Creek Road in accordance with the Footpath Location Plan. Engineering design plans shall be submitted to and approved by Council or an accredited certifier prior to commencement of works on the subject site and shall incorporate the following:

- (a) footpath levels shall comply with a 3% crossfall from the boundary to top of kerb,
- (b) the level of the footpath shall match existing footpath levels of adjoining frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section shall be suitably designed,

(c) kerb pram ramps shall be provided at intersections in accordance with figure 8 of AS1428.1 – 2001 Design for Access and Mobility. Construction standards shall be in accordance with Council's Plan No. G202606A.

**2.13A The Proponent shall design and construct foot and cycle paths as documented in Design Summary by Scott Carver Architects dated 17 June 2013 submitted as part of 06\_0025 MOD5, including:**

- a. A main east-west footpath to the District Centre from residential stages on the opposite side of Moona Creek Road;
- b. Footpaths along Moon Creek Road; and,
- c. A temporary shared foot and cycle path to The Wool Road at a width of 2.4m until Stage 2 of the District Centre is constructed

### **Bay and Basin Leisure Centre Access Road**

~~2.14 The Bay and Basin Leisure Centre (BBLC) access road shall be constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 2 of the District Centre. [Note: this project approval does not extend to the design and construction of the BBLC access road.]~~

~~The new Bay and Basin Leisure Centre (BBLC) access road shall be constructed in conjunction with the approved road upgrade works to the Wool Road and shall commence within 2 months of receipt of the Construction Certificate for the new access road works. Approval is granted for the design of the access road as shown in the Cardno drawing Project No. 10401 Con. No. 39 drawing No. 1205 Rev P1, or any modification to this design agreed to by both Shoalhaven Council and Faber.~~

### **2.14**

- a. Construction of the Bay and Basin Leisure Centre access road shall commence within 2 months of receipt of the Construction Certificate for the new access road works. Approval is granted for the concept design of the access road as shown in the "BBLC Access Concept Plan" prepared by Cardno Forbes Rigby Drawing No.1000 Rev 1, dated 26 June 2013, or any modification to this design agreed to be both Shoalhaven City Council and the Proponent.
- b. Detailed design drawings complying with AUSTROADS standards of the access road works shall be approved by Council prior to the issue of a Construction Certificate for Stage 1, consistent with BBLC Access Concept Plan Drawing No.1000 Rev 1 dated 26 June 2013 prepared by Cardno Forbes Rigby.

### **Site Access Arrangements**

~~2.15 Access to the District Centre site from The Wool Road (access "D") shall be suitably incorporated into the design of Stage 1 **1A of the District centre**, constructed in conjunction with the approved road upgrades to The Wool Road, and completed prior to the issuing of the Occupation Certificate for Stage 1 **1A of the District centre**.~~

~~The design is to be in accordance with the following drawings prepared by Cardno or as amended by Council: drawings numbered 1101-1105 all dated 1 June **2010** and all Rev P1, and drawings numbered 1201-1204 all dated 1 June **2010** and all Rev PO.~~

~~None of these road works are to encroach into the 'Environmental Zone' and if necessary the design is to be amended to ensure this outcome. The roadwork's described as Stage 1A in the above mentioned plans are to be completed prior to the issuing of an Occupation **e**Certificate for Stage 1 **1A of the District centre**, and the construction of the roadwork's' described as Stage 1B are to commence within 2 months of the issuing of a Construction **e**Certificate for those works.~~

**2.15 Left in/left out access to the District Centre site from The Wool Road, as shown on the Phasing Plan, Drawing No.DA0103 Revision Z, undated, shall be suitably incorporated into the design of Stage 2 of the District Centre and completed prior to the issue of an occupation Certificate for Stage 2 of the centre.**

## **Naval College Road**

~~2.16 The approved road upgrades to Naval College Road shall be constructed prior to occupation of Stage 1 **1A** of the District Centre at the Proponent's full cost.~~

### **2.16**

- a. Detailed design of the road upgrade works to Naval College Road shall be approved by Council prior to the issue of a Construction Certificate for Stage 1 of the District Centre. The design, realign and upgrade shall be to two lanes and 80km/hr AUSTRROADS standards.**
- b. Detailed design of the 2 lane roundabouts at the intersections of Naval College Road / The Wool Road and Naval College Road / Moona Creek Road shall be approved by Council prior to the issue of a Construction Certificate for Stage 1 of the District Centre.**
- c. Design of the Naval College Road / The Wool Road roundabout shall comply with AUSTRROADS standards and be generally consistent with the TWR Roundabout Concept Plan, Drawing No.1001 Rev 1, dated 26 June 2013 prepared by Cardno Forbes Rigby.**
- d. The road works referred to in clauses (a) and (b) above shall be constructed prior to the issue of an Occupation Certificate for Stage 1 of the District Centre at the Proponent's cost.**



## **Moona Creek Road**

### **2.16A**

- a. Detailed design of the road upgrade works to Moona Creek Road shall be submitted to council for approval prior to the issue of a Construction Certificate for Stage 1 of the District Centre. The design shall generally be in accordance with the Moona Creek Road Layout Plan and Typical Sections 60 Degree Parking Plan Drawing No.8016 PO prepared by Cardno dated 3 October 2008 and the architectural plans prepared by Scott Carver dated 17 June 2013 submitted with 06\_0025 MOD5, including street tree planting, car parking and paving treatments.
- b. The road works referred to in (a) above shall be constructed prior to the issue of an Occupation Certificate for Stage 1 of the District Centre at the Proponent's cost.

## **Pedestrian/Cycleway Underpass**

~~2.17 If Council is willing to pay the 50% contribution for the pedestrian/cycleway underpass or this contribution can be recouped from a lawful source, then the underpass shall be constructed prior to occupation of Stage 1 of the District Centre in conjunction with the approved road upgrades to Naval College Road. The design of the underpass shall suitably incorporate urban design measures to maximise safety and accessibility for users and maximise integration into adjoining pedestrian/cycleway networks.~~

~~2.18 In the event that Shoalhaven Council cannot fund the 50% contribution from a lawful source for the pedestrian/cycleway underpass, the Proponent shall provide an alternative at-grade pedestrian crossing (such as a refuge island or zebra crossing) at the Proponent's expense and the design and location of the crossing shall be determined in consultation with Council and the Sydney Anglican Schools Corporation.~~

2.19 Within one year of the issue of the occupation certificate, the Proponent shall audit bicycle demand at the District Centre to determine if additional bicycle spaces are required. Should this audit identify that additional spaces be required, the Proponent shall provide the nominated additional spaces within three months from the date of completing this audit.

## **Street Lighting**

2.20 Street lighting is to be installed in accordance with relevant Australian Standards.

## **Internal Driveway and Car Parking**



2.21 The final design of the internal driveway and car parking areas must comply with the relevant Australian

Standards for parking facilities and must incorporate the following design features:

- (a) speed humps (where required to ensure cars travel at slower speeds),
- (b) one-way flow in the eastern-most car park aisle of the northern car park, (c) give way signs and hold lines at internal intersections,
- (d) low height planting in landscaped islands of end aisles, (e) pram and disabled ramp access,
- (f) external pole lighting directed to the ground (to avoid light spill into adjoining residential areas and Environmental Zone), and
- (g) bordered by concrete kerbing, except where surface water run-off is concentrated in which case concrete kerb and gutter shall be constructed. The work shall comply with Council's Plan No. SC 263710.

- a. parallel parking spaces on the western side of the centre shall be allocated as 2 taxi bays and drop off / pick up bays for customers;
- b. provision for vehicle queuing associated with the fast food pad site; and,
- c. relocation of the pedestrian crossing from the western side of the southern carpark to a location clear of the corner, or any other design agreed to by Council, to address pedestrian safety in this location

2.22 Car parks shall be constructed, line marked and signposted in accordance with Council's Development Control Plan 18 – Parking Guidelines. Car park dimensions shall be in accordance with minimum class requirements as referenced in table 1.1 of AS2890.1.

### **Disabled Car Parking Spaces**

2.23 Disabled car parking spaces are to be located close to the entry points to the District Centre and comply with the relevant Australian Standards.

### **Parking for Trailers/Caravans**

2.24 A minimum of 12 car and trailer car parking spaces are to be line marked in the southern car parking area for Stage 1 of the District centre. These spaces shall be suitably sign posted and provided in a drive through configuration. They are to be permanent and are not to be relocated as part of the parking reconfiguration required for Stage 2. constructed as part of Stage 1A. Those in Moona Creek Road are to be located, line marked and signposted to the satisfaction of Shoalhaven Council while those within the Stage 1A Stage 1 car park are to be to the satisfaction of the PCA. Each of these car and trailer

spaces may be counted as two car parking spaces for the purpose of compliance with condition 1.1(h) (f).

### **Pick-up/Drop-off in Car Parks**

2.25 A minimum of 2 car parking bays within the ~~southern~~ **Stage 1A Stage 1** car park are to be identified as short stay pick-up/ drop-off car parking bays. These are to be **identified in the Construction Certificate documentation and** permanently located in the ~~southern~~ **Stage 1A Stage 1** car park.

### **Loading Docks**

~~2.26 The loading docks are to be designed to cater for 19 metre semi-trailers. Plans clearly illustrating the swept paths for all 19m semi trailers using the loading docks are to be provided to Council prior to the issuing of a Construction Certificate for Stages 1 **1A and Stage 2** of the District centre. In addition, no loading docks are to be used between the hours of 10pm and 7am on any day.~~

**2.26 The loading docks are to be designed to cater for 19 metre semi-trailers. Plans clearly illustrating the swept paths for all 19 metre semi-trailers using the loading docks shall be approved by Council prior to the issue of a Construction Certificate for each stage of the District Centre. In addition, no loading docks are to be used between the hours of 10pm and 7am on any day.**

### **Dedication of Roads, Pathways and Reserves**

2.27 All proposed external roads, pedestrian paths, cycleways and road reserves are to be dedicated to Council at no cost.

### **Water Quality and Sedimentation Pond**

2.28 A suitably qualified and experienced wetland specialist or stormwater engineer shall be engaged by the Proponent prior to the commencement of works to certify that the sedimentation pond and wetlands are adequately designed to remove stormwater pollutants to satisfy the ANZECC criteria and minimise on-going environmental costs associated with maintenance of the wetland system.

2.29 The sedimentation basin walls and floor are to be stabilised during and post-construction. The method of stabilising the basin walls and floor is to be detailed in the soil and water management plan to be submitted for approval by Council or an accredited certifier prior to the issue of the construction certificate.

2.30 An entomologist is to review the design of the wetlands to determine if the design lends itself to mosquito breeding, including climate change implications. Should this review identify measures to mitigate mosquito breeding, these shall be suitably incorporated into the detailed design of the wetlands prior to the issue of the construction certificate.

### **Wetlands Maintenance and Management Manual**

2.31 A wetlands maintenance and management manual shall be prepared prior to occupation of Stage 1 of the District Centre to ensure regular monitoring of sediment quality and the safe handling and removal of sediments from the sedimentation pond and wetlands.

### **Rainwater storage tanks**

2.32 The Proponent shall re-assess the demand and level of water re-use after the first year of operation/building occupancy of Stage 1 of the District Centre using data collected by the centralised Building Management System or other relevant sources. Should this review identify demand has increased, the Proponent shall assess the feasibility of installing additional rainwater storage tanks in Stage 1 or be suitably incorporated into the design of Stage 2 **and 3** of the District Centre.

### **Noise Mitigation**

2.33 Should development of the proposed Bayswood Retirement Village (MP08\_0096) not proceed, noise mitigation measures such as architectural treatments, shall be provided to the residential subdivision to the west of Moona Creek Road to mitigate noise impacts on affected lots.

This condition may be satisfied by imposing a section 88B instrument on the title of future affected lots requiring architectural treatments to be incorporated into the design of the future dwellings to meet the required noise attenuation.

The Proponent is to undertake further acoustic analysis during the detailed design stage of ~~Stage 4~~ **each stage** of the District centre to ensure that noise emissions from mechanical plant are reduced to at least 5dBA below the night time noise criterion as concluded in the Noise Impact Assessment Report prepared by Higgies Pty Ltd dated June 2010. This assessment is to involve consideration of noise control measures such as the use of 'quiet plant' and acoustic enclosures.

### **Environmental Zone**

2.34 A temporary fence shall be installed along the boundary of the Environmental Zone and the District Centre which will be designed to prevent access into the Environmental Zone until such time as the permanent habitat fence is constructed.

### **Architectural Roof Features**

2.35 Any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by an architectural roof feature shall be fully integrated into the design of the roof feature.

### **2.36 Architectural roof features shall:**

~~(a) comprise of a decorative element on the uppermost part of the buildings, (b) not include advertising structures,~~

~~(c)~~ (a) not include floor space and not be reasonably capable of modification to include floor space,

~~(d)~~ (b) cause minimal overshadowing.

### **Installation of Root Barriers**

2.37 Root barriers shall be placed between trees and civil infrastructure to protect above or below ground civil infrastructure where deemed appropriate given consideration of the tree species and potential for damage:

(a) barriers are to be placed between trees and civil infrastructure (as close as possible to the infrastructure) and extend horizontally a minimum distances of half the mature tree drip line and from the surface a minimum of 1.0 metres deep depending on mature root system,

(b) where rock is encountered within the depth of the proposed planting's root bowl, the rock should be removed to a suitable depth for the proposed planting or substituted with an alternative, more suitable species,

(c) root barriers may be obtained from any manufacturer and must be equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment.

### **Damage to Public Assets**

2.38 The Proponent shall repair any damage to adjacent kerbs, gutters, footpaths, walkways, carriageways, reserves and the like, that occurs during development works. The Proponent shall undertake a site inspection and document any evidence of damage to public assets prior to commencement of works on the subject site. Failure to adequately identify any

existing damage will result in all damage detected by Council after completion of the building works to be repaired at the Proponent's expense.

## **Easements**

2.39 Copies of any instruments under sections 88B or 88E of the Conveyancing Act 1919 for the proposed District Centre allotment are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, rights of way created or affected by this development, prior to the occupation of Stage 1 of the District Centre.

## **Requirements of Public Authorities for Connection to Services**

2.40 The Proponent shall comply with the requirements of any utility service providers (e.g. Integral Energy, Transgrid, Shoalhaven Water, Telstra etc) in regard to the connection to, relocation and augmentation of the services affected by the construction of Stage 1 of the District Centre. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent, unless otherwise agreed.

~~2.41 All signage, including the proposed pylon signs, is to comply with the requirements of Shoalhaven Council's strategy development Control Plan 82.~~

- ~~a. All signage including the proposed pylon signs is to comply with the requirements of Shoalhaven Council's Signage Strategy (DCP-082)~~
- ~~b. Details of a gateway treatment sign/display at the intersection of Moona Creek Road and Naval College Road shall be submitted to council for approval prior to the issue of an occupation certificate for Stage 1.~~

**2.42 The proponent is to prepare and implement restoration of the scalded area and the existing BBLC access road area within the Jervis Bay Orchid habitat north of the District Town Centre within 2 months of the closure by Council of the existing public access road serving the BBLC.**

## **2.43 Library Space ~~in Stage 1~~**

~~The Proponent is to identify a 1,400m<sup>2</sup> area within Stage 1 **1A** that is suitable for use as a library. The lease of this space is to be offered to Shoalhaven City Council, with the terms and conditions for the use of this space to be negotiated between those parties. Council are to confirm within 6 months of the date of this **the MOD 2** approval whether they intend to lease this space. Should Council choose to not lease this space in Stage 1 **1A**, a corresponding area in Stage 2 **1B** is to be made available, with terms and conditions to be agreed between the parties. **Should Council resolve not to uses this space in Stage 1B,**~~

~~a corresponding space is to be made available in Stage 2, with terms and conditions to be agreed between the parties. Should Council choose not to use the 1,400m<sup>2</sup> in Stage 1 this Stages 1A or 1B, these spaces may be leased to another tenant.~~

The lease of the 1,400m<sup>2</sup> library space is to be offered to Shoalhaven City Council, with the terms and conditions for the use of this space to be negotiated between those parties. Council are to confirm an intention to lease the library space within 6 months of the lodgement of the construction certificate for the construction of Stage 2 or Stage 3 of the project, whichever occurs first. Should Council choose to not use this space, it may be leased to another tenant.

## Car Park Design

2.44 There is to be no right turn from the southern (Stages ~~1A and 1B~~ 1, 2 and 3) car park onto Moona Creek Road. This is to be reflected in the Construction Certificate for each stage ~~Stage 1A~~ of the District centre and the ~~Mona~~ Moona Creek Road design plans.

## Walkway Sizes

2.45. The size of the enclosed walkways as shown on the plans submitted with this application is not to be altered without the approval of the ~~Secretary~~ **Director General**.

## Water Quality

### 2.46

- a. The proponent shall undertake a water quality monitoring program in accordance with the Water Quality Monitoring Plan submitted with the Environmental Assessment dated 22 April 2008 to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a period of three years following completion of each stage of the District Centre.
- b. A water quality monitoring report prepared by a suitably qualified professional shall be submitted to the Jervis Bay Marine Park Authority and Council on an annual basis that includes an assessment of data against relevant standards, any exceedances and any mitigation measures necessary to comply with the relevant standards.

## Petrol station commercial site

2. The detailed design plans for the petrol station site shall include a swept path design analysis to show that heavy vehicles (including semi

trailers, rigid trucks) are able to safely access the petrol station, in accordance with Section 3.4.1, AS 2890.2-2002.

#### Access of bulky goods retail precinct loading dock (Stage 2)

##### 2.48

- a. The design (to Australian Standards) of the access road for the bulky goods retail precinct loading dock is to be approved by Council prior to the Construction Certificate for Stage 2.
- b. The works are to be completed prior to the issue of an Occupation Certificate for Stage 2.

#### Bus and coach provisions

2.49 Prior to commencement of detailed design, the Proponent must consult with local bus, community bus, and tourist coach operators to discuss potential future bus and coach operations serving the proposed development site, and their likely approach and departure routes and any layover requirements. Evidence of such is to be provided to Council prior to the Construction Certificate for Stage 1.

#### Stormwater Management

2.50 The Proponent shall prepare a Stormwater and Drainage Management Plan for the project for approval of the **Director-General Secretary** prior to the issue of a construction certificate for Stage 1. This plan must:

- a. be prepared in consultation with Council by a suitably qualified and experienced expert;
- b. be prepared in accordance with OEH's Managing Urban Stormwater Guidelines, applicable Australian Standards and industry standard best practice guidelines;
- c. include a stormwater drainage plan, including hydraulic calculations based on a 1 in 100 ARI;
- d. MUSIC modelling outputs demonstrating appropriate water quality objectives will be achieved;
- e. include details of all proposed stormwater, treatment and control infrastructure, and any stormwater outlets;
- f. detail how surface water flows would be restricted to pre-development rates or less;
- g. include surface water impact assessment criteria including trigger levels for investigating adverse impacts and implementing mitigation measures; and,
- h. include protocols for the investigation and implementation of mitigation measures for identified exceedances of the surface water impact assessment criteria.

#### Level of service of roundabout and priority intersections

**2.51 Details of the leg/ movement with the highest average delay is to be used to determine the LoS, in accordance with the RMS 'Guide to Traffic Generating Developments', to provide confirmation of intersection performance reported in Stage 1 & 2 traffic reports prepared by CBH&K submitted with the modification request for 06\_0025 Mod 5.**

### **Crash Data Analysis**

**2.52 Detailed crash analysis (of at least the last 5 years of crash data) for the Naval College Road and The Wool Road must be undertaken prior to the issue of a construction certificate for Stage 1. Details of how any traffic issues identified are to be resolved are to be approved by the Certifying Authority prior to the Construction Certificate for Stage 1 and accompanied by a design statement from a qualified Traffic Engineer.**

### **2.513 CONSTRUCTION OF STAGE 2**

(1) All works associated with the construction of the pedestrian path providing access from the District Centre to The Wool Road must be completed prior to the issue of an Occupation Certificate for the Stage 1a works.

(2) All works associated with the construction of Stage 1b must be completed prior to the issue of a Construction Certificate for the Stage 2 works.

### **2.524 Extent of Modification 7 Landscape Works**

The landscaping plans approved as part of Modification 7 only apply to the areas designated on the plans as being within the "proposed extent of works". All other parts of the site are to be landscaped in accordance with the landscape plans prepared by Scott Carver and approved as part of Modification 6.

### **2.535 Additional Screen Planting**

Prior to the issue of a Construction Certificate for the works subject of MOD7, additional screen planting with a mature height of 1.5m shall be planted in front of the full length of the open palisade style fencing shown as an "existing fence" adjacent to the loading and services area to the satisfaction of the PCA.

### **~~2.54 Completion Date for Works~~**

~~All works approved and required by Modification 7, including the additional landscape plantings, timber screen, and revised fence required by condition 2.52, are to be constructed and completed within 12 months of approval of Modification 7.~~

### **2.56 Completion Date for Works**

All works approved and required by Modification 8, including additional landscape plantings, are to be completed within 12 months of approval of Modification 8.