



Vincentia District Town Centre, Stage 1 Modification 8

Timber Screening and Landscaping Amendments
State Significant Development Modification Assessment
(MP 06_0025 MOD 8)

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Glossary

Abbreviation	Definition
Applicant	Fabcot Pty Ltd
BCA	Building Code of Australia
Council	Shoalhaven City Council
Department	Department of Planning, Industry and Environment
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 and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (Department) assessment of a request to modify the project approval (MP 06_0025) for the construction of a district town centre in Vincentia.

The request seeks approval to substitute the approved timber screening at the corner of Moona Creek Road and Halloran Street roundabout with additional landscape planting.

The modification application was lodged by Fabcot Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Subject site

The Vincentia District Town Centre site is located at Vincentia, approximately 140 kilometres (km) south of Sydney, in the Shoalhaven local government area. The site is also located approximately two kilometres west of the Vincentia township (**Figure 1**). The site is located on the northern corner of the intersection of Naval College Road and The Wool Road, Vincentia.



Figure 1 | Local Context Map (Source: Nearmap 2020)



Figure 2 | Local Context Map (Source: Nearmap 2020)

The site has an area of approximately 12.2 hectares (ha) and is irregular in shape. Stage 1A has been completed which includes two supermarkets, speciality shops, services and associated car parking.

To the north of the site is residential development, to the west are rural-residential uses and to the east and south is undeveloped land.

The modification application relates to the corner of Moona Creek Road and Halloran Street roundabout near the loading dock which is part of Stage 1A (**Figures 2 and 3**).



Figure 3 | Approved site layout showing Stage 1A only (left) and full development of all stages (right)
(Source: Approved Modification 6 plans)

1.2 Approval history

Concept Plan Approval

On 25 January 2007, the then Minister for Planning granted concept approval (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 approval allowed for up to 32,000m² of gross floor area (GFA) and was the subject of a Design Excellence Competition.

The concept approval 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 for Stage 1 of the Vincentia District Town Centre (MP 06_0025) comprising construction of a 14,000m² district town centre including 10,000m² of retail floor space and 4,000m² of commercial/community uses GFA.

In addition to this modification, the approval has been previously modified on seven occasions, as summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Deletion of conditions relating to the construction of a pedestrian underpass beneath Naval College Road	Department	75W	Approved on 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, associated changes to site and car parking layout and changes to timing of surrounding road upgrades.	Department	75W	Approved on 15 March 2011
MOD 3	Increasing the number of stages to 3 (stage 1A, 1B and 2), enclosing walkways within the centre resulting in 5000m ² increase in GFA, amending car parking layout and number of spaces, rationalising the centre's design and amendments to the external material finishes.	Planning Assessment Commission	75W	Approved on 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	75W	Approved on 30 March 2012
MOD 5	Revised Staging (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	75W	Approved on 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	75W	Approved on 15 December 2014

MOD 7	Revisions to plantings along Moona Creek Road frontage and part of the overland flow corridor, details of a recycled timber screen along the frontages adjacent to the loading area, and incorporation of a substation and sprinkler tank into Stage 1A.	Department	75W	Approved on 18 January 2019
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2 Proposed modification

2.1 Modification

The modification request (MP 06_0025 MOD 8) as originally submitted sought approval to substitute the approved timber screening (**Figure 4**) at the corner of Moona Creek Road and Halloran Street roundabout with an alternative sign design and additional landscape planting.

Following a submission from Council (refer to **Section 4** of this report), the proposal was amended to remove the proposed signage and provide landscaping as per **Figures 5 and 6**.

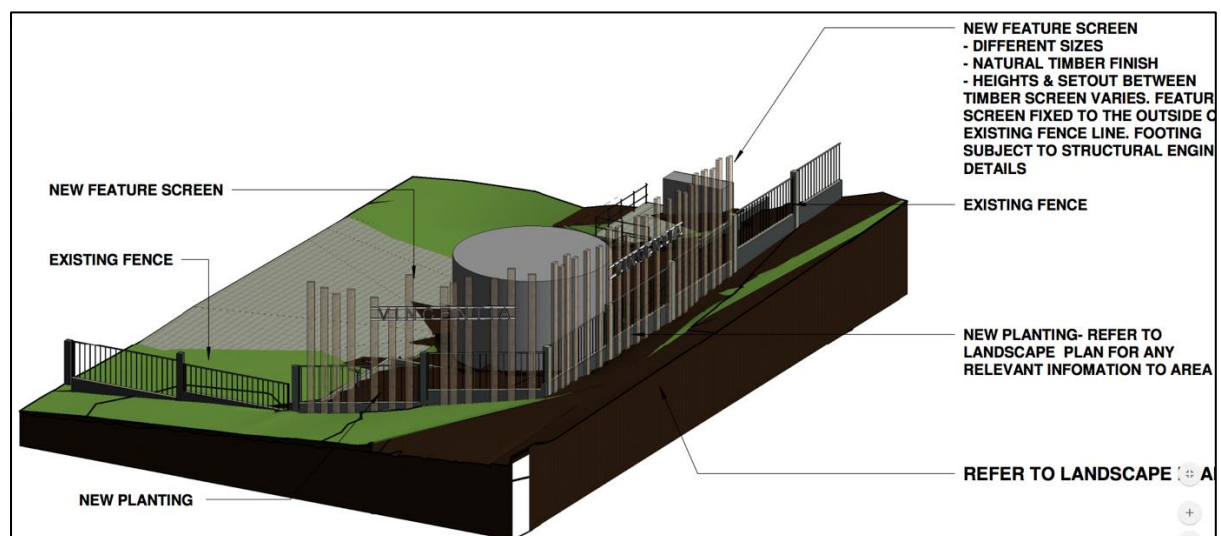


Figure 4 | Perspective drawing of approved timber screen (Source: Approved Mod 7 plans)

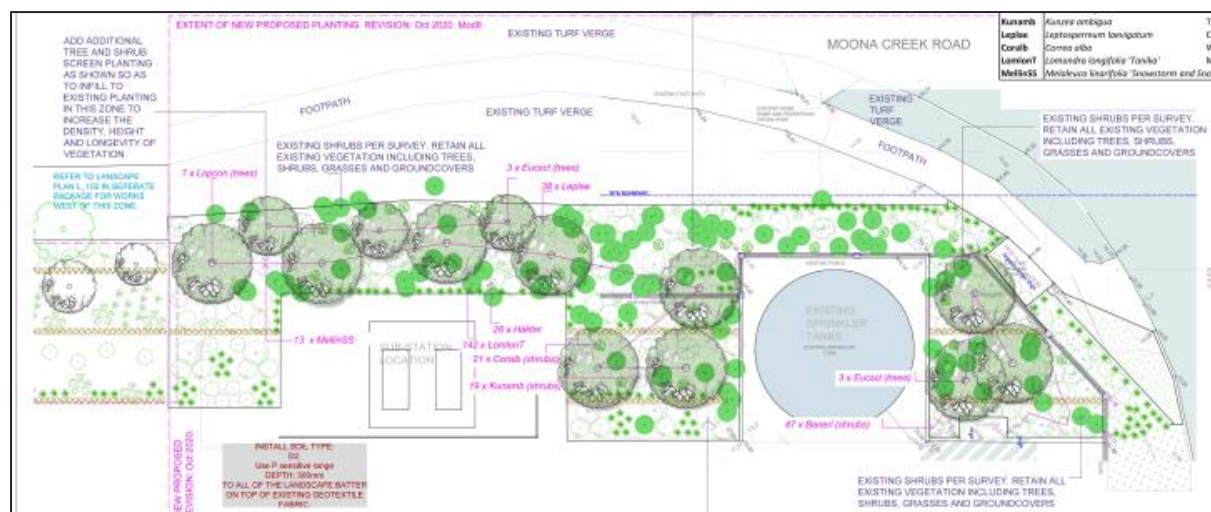


Figure 5 | Proposed infill landscaping (Source: Mod 8 submission documents)

Proposed Additional Planting adjacent the Sprinkler Tank Zone by Moona Creek Road						
Proposed Trees						
Eucsl	<i>Eucalyptus sclerophylla</i>	Scribbly Gum	6 x 5	45L	Native	6
Lopcon	<i>Lophostemon confertus</i>	Brush Box	10 x 4	75L	Native	7
Screen shrubs and understorey planting						
Baneri	<i>Banksia ericifolia</i>	Heath banksia Giant Candi	0.7 x 0.5	140mm	Native	47
Hakter	<i>Hakea teretifolia</i>	Dagger Hakea	1 x 1	140mm	Native	26
Kunamb	<i>Kunzea ambigua</i>	Tick Bush White	2.5 x 2.5	140mm	native	19
Leplae	<i>Leptospermum laevigatum</i>	Coastal Tea Tree	2.5 x 1.5	140mm	Native	38
Coralb	<i>Correa alba</i>	White correa	1.2 x 1.2	140mm	Native	21
LomlonT	<i>Lomandra longifolia</i> 'Tanika'	Matting Lomandra	0.6 x 1.1	tube	Native cv.	142
MellinSS	<i>Melaleuca linearifolia</i> 'Snowstorm and Snow in Summer'		5 x 6	200mm	Native cv.	13

Figure 6 | Proposed planting schedule (Source: Mod 8 submission documents)

2.2 Applicant's Justification

The Applicant states it could not source the recycled timber for the approved screen, and that the support footings required for the approved screen would require removal of existing landscaping and the palisade fencing to support the screen's size and height. Additionally, the timber screen is not required given the existing mature landscaping that provides screening of the loading dock and services infrastructure (**Figure 7**) from Moona Creek Road.



Figure 7 | Existing Mature Landscaping along Moon Creek Road frontage (Source: Mod 8 submission documents)

3 Statutory context

3.1 Part 3A transition to State significant development

The project approval (MP 06_0025) was originally granted under Part 3A of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (ST&OP Regulation), which came into effect on 1 March 2018.

Under the ST&OP Regulation, projects the subject of existing Part 3A approvals remain transitional Part 3A projects until they are transitioned to State significant development (SSD) (clause 3(1)-(2), Schedule 2). As of 1 March 2018, new proposals to modify existing Part 3A project approvals can only be determined once the project has been declared to be SSD by the Minister for Planning, and the relevant provisions to modify an SSD consent under Part 4 of the EP&A Act apply.

On 8 February 2019, an Order was published in the New South Wales Government Gazette transitioning the Part 3A project approval (MP 06_0025) to SSD. The application has been lodged under section 4.55(1A) of the EP&A Act for a modification involving minimal environmental impact.

3.2 Scope of Modification

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the project approval have been considered in **Table 2**.

Table 2 | Section 4.55(1A) modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 of this report provides an assessment of the impacts associated with the proposed changes. The Department is satisfied that the proposed modification will have minimal environmental impacts, as the proposal is for deletion of a timber screen and additional infill planting only.
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as	The Department is satisfied that the proposed modification results in development that is substantially the same development as originally approved. The overall use of the development remains as approved. The proposed modifications result in only minor changes to screening (removal of an approved screen) and landscaping.

originally granted was modified (if at all), and

c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Details of the notification are provided in Section 4 of this report.
d) any submissions made concerning the proposed modification have been considered	The Department received a submission in objection to the proposal from Shoalhaven City Council (Council) although following the submission of amended landscape plans, Council no longer objects to the proposal. No public submissions were received. The issues raised in Council's submission are considered in Section 5 of this report.

3.3 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, the Director, Regional Assessments, may determine the application under delegation, dated 9 March 2020 as:

- a political donation disclosure statement has not been made.
- there are no public submissions objecting to the proposal.

3.4 Environmental Planning Instruments (EPIs)

The following EPIs are relevant to the development:

- State Environmental Planning Policy (Major Projects) 2005 (now known as the State Environmental Planning Policy (State Significant Precincts) 2005)
- State Environmental Planning Policy (Infrastructure) 2007
- Jervis Bay Regional Environmental Plan 1996 (now part of Shoalhaven Local Environmental Plan 2014)

The Department has considered the proposed modification against the above EPIs in its original assessment. The Department is satisfied the proposed modification remains consistent with these EPIs.

4 Engagement

4.1 Department's engagement

The Department notified the modification request for 14 days between 10 August 2020 and 24 August 2020. The request was made publicly available on the Department's website, and both Council and surrounding landowners were notified of the development.

The Department received a submission in objection to the proposal from Council. A summary of Council's submission is provided below, and a link to the submission is provided in **Appendix A**.

No public submissions were received.

4.2 Council Submission

Council initially objected to the proposal and provided the following comments regarding the proposed signage:

- The signs are excessively large and constitutes visual clutter.
- The signs are at the rear of the shopping centre, rather than the entrance.
- The signs don't appear to serve a purpose other than screening.
- The signs do not fit with Council's signage strategy and have no relevance to Bayswood Estate or the larger Vincentia village.
- A preferred outcome would be increased plantings to thicken the screen and/or the provision of a decorative screen with no words.

4.3 Response to submissions

In response to Council's submission, the proponent removed the proposed signage and amended the landscape plan. The revised landscape plan was forwarded to Council for comment and on 27 November, 2020 Council advised that it is supportive of the changes to the proposal.

5 Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- modification request and associated documents (**Appendix A**).
- original Environmental Assessment (EA) and conditions of approval, as modified.
- submissions received on the proposal and the Applicant's RtS.
- relevant EPIs, policies and guidelines.
- 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/Halloran Street streetscape. The Department's assessment of other issues is set out in **Section 5.2**.

5.1 Visual Impacts

Mod 7 included an approved timber screen to mitigate the visual impact of the loading dock and services infrastructure from Moona Creek Road. Removal of the requirement for a screen and substitution with the provision of additional infill planting is considered acceptable given that the photographs provided (**Figure 7**) indicate that existing mature planting provides an effective screen without the need for a timber screening structure. Proposed additional infill planting will further enhance the appearance of this area when viewed from the road.

5.2 Access to Fire Booster Valve

The Department requested advice to confirm that access to the existing fire booster valve will be unhindered or altered by the proposal. The proponent advised that access to the fire booster valve will be unchanged as no new structures or additional planting is proposed immediately adjacent to the existing fire booster valves.

6 Evaluation

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

- complies with the relevant statutory provisions and remains consistent with relevant EPIs.
- is substantially the same development as originally approved, and does not result in adverse environmental impacts.
- continues to ensure adequate screening of the landing dock and infrastructure services from Moona Creek Road.

Consequently, the Department is satisfied that the modification request is in the public interest and should be approved.

7 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application MP 06_0025 MOD 8 falls within the scope section 4.55(1A) of the EP&A Act .
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modifies** the consent MP 06_0025.
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Lillian Charlesworth
Specialist Planning Officer
Regional Assessments



Teresa Gizzi
Team Leader
Regional Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

14/12/2020

Keiran Thomas

Director

Regional Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Relevant Supporting Information

1. Modification request

<https://www.planningportal.nsw.gov.au/major-projects/project/26736>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/26736>

3. Additional Information

<https://www.planningportal.nsw.gov.au/major-projects/project/26736>

Appendix B – Modification of Project Approval

<https://www.planningportal.nsw.gov.au/major-projects/project/26736>