

Submission for Development Project for Vincentia Coastal Village Project Modification

Number MP060025

Project Modification 9

Concept Plan Modification 10

This submission from Vincentia Matters - a community voice and advocacy group for the village of Vincentia, is made regarding **Modification – 06_0025 MOD 9** Modification to Vincentia Coastal Village 8 Moona Creek Road, Vincentia. The proposal states

On 7 January 2009, the Major Project Approval **06_0025** was granted under the former Part 3A of the *EP&A Act*. The Major Project Approval and its subsequent Modifications satisfied the definition of a “transitional Part 3A project” under Clause 2(1) of 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 which were the subject of existing Part 3A approvals remained transitional Part 3A projects until they were transitioned to State Significant Development (SSD) (clause 3(1) and clause (2), Schedule 2). On 8 February 2019, an Order was gazetted under Clause 6 of Schedule 2 of the *ST&OP Regulation* declaring this Major Project Approval to be State Significant Development under Part 4 of the *EP&A Act*.

As previously noted, the Major Project Approval has been modified eight times. Most relevant to the assessment of Home Co's proposed modification application is MOD6 which authorised design amendments in December 2014. MOD7 and MOD8 primarily authorised modifications to landscaping and are thus not material to this Scoping Report.

Development consent **06_0025** was granted on 9 January 2009 (*note it states 7 January 2009 elsewhere*) and subsequently amended by modifications 1-8. This modification

seeks the deletion of Stage 1B and design changes to Stage 2 and 3 of the Major Project approval.

This MA represents the **ninth** modification to **MP 06_0025**, which seeks modify the development consent to include a series of modifications to the design of the proposal to develop the Site for next stage in the development.

Vincentia Matters contends in this submission that the circumstances including climate, population and post-pandemic lifestyle have change significantly since 2009 and therefore modifications submitted in 2022 should not be allowed to use 2009 decisions, or those applied to subsequent Modifications as grounds on which to justify this proposed **Modification – 06_0025 MOD 9**. The rewriting of rainfall records, the increase in population now serviced by Marketplace and the dramatic upturn in Shoalhaven tourist visitors alone invalidate the earlier studies the Developments approval was based. In fact the conducting of a traffic survey for a few hours in the middle of the Pandemic lockdown experience is ample evidence of the inadequacy of this submission.

Further, the failure of the submission to incorporate any appreciation of or attention to the increased impact of the proposed amended development on the downstream environment of Moona Moona Creek, and associated natural fish hatchery, Jervis Bay National Park and Jervis Bay Marine Sanctuary, making the claims to meeting the Objectives of the Illawarra Shoalhaven Regional Plan unsustainable. For example:

<p>Objective 11: Protect important environmental assets</p> <p><i>The ‘avoid, minimise and offset’ hierarchy will be applied to areas identified for new or more intensive development. This requires development to avoid areas of validated high environmental value and consider appropriate offsets or other mitigation measures for unavoidable impacts. Where it is not possible to avoid impacts, councils must consider how impacts can be managed or offset through</i></p>	<p>The Site has received concept approval under MP 06_0060 and MP 06_0058.</p> <p>Notwithstanding, an ecological review of the Site, which has been cleared of vegetation and comprises significant earthworks which have already been undertaken a Biodiversity Development Assessment Report has been undertaken which assesses the impact of the proposal on the existing ecological environment. The report is contained within Appendix G and includes mitigation measures.</p>
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A critical aspect of your proposal is that it only refers to the immediate site environment, whereas the Regional Plan takes a wholistic approach to catchment areas affecting environmental assets. It is essential the interests of those whose livelihoods depend on maintaining a pristine environment downstream from this development are taken into consideration.

Vincentia Matters calls for this Modification to be rejected and that Home Co be directed to consult with the community and submit new evidence that incorporates how future modifications will satisfy the concerns raised in this submission.

Further details of our concerns:

As a community group we can see many problems that will arise from this Modification of the Development. These are concerns about safety of pedestrians, vehicle congestion and the effects on the environment.

The proposed Stage 2 development at Vincentia Marketplace incorporates an additional 5,016m² mixed use comprising specialty retail (bulky goods), Pet Store, Vet, medical centre and gym and a 120 place child care centre

- 1) **Vehicle congestion** – the traffic report provided to support this development was conducted in November 2020 at a time when the Covid Pandemic restricted tourists and visitors to the area and the movement of local residents. In fact the NSW Government was so concerned about the low level of commercial activity they announced on November 17, the week prior to the traffic survey,

the "Out and About" economic stimulus voucher scheme. NSW residents over 18 years-of-age will be eligible to receive four A\$25 vouchers through [Service NSW](#). Residents will need to have a Service NSW account to receive their vouchers.^[178] Two vouchers are for dining, the other two are to be spent on entertainment.^[179] After trials in Sydney and regional areas, full rollout was scheduled for March.

To base future planning on a 2-day, 4-hour study in this situation, when schools were not operating as normal, is misleading and irresponsible. It is not a true representation of the volume of traffic and should be totally rejected as a basis for this Modification.

The permanent population of the area has also increased since the pandemic. Presently there is congestion at the Moona Creek Rd and Naval College Rd roundabout to enter Home Co. Moona Creek Rd is too narrow. Further, the type of traders proposed for the area will attract clients who will be vehicle dependent – childcare centre will see a regular flow of cars transporting children to the centre; the vet will require animal transportation to have access; the wellbeing centre will attract people dependent on transport to the front door. The Modification does not appear to cater for this high level of vehicular movements. The risk of injury to pedestrian, and motor vehicle traffic incidents seems inevitable in the traffic flow information presented.

A new traffic survey is essential to demonstrate the volumes of traffic the area experiences particularly during peak holiday periods, that is, in late December and

January. Traffic includes trucks, buses and delivery vans. The existing roads will not be able to process the traffic without chaotic delays and safety issues. Associated with this survey there needs to be further attention given to traffic flow noting the unique needs of the proposed businesses included in the Modification documentation.

When Stage 3 of the development is completed, it will draw a significant extra volume of traffic including large trucks. We note the turning circle in the plan for large trucks. The access to Stage 3 is not adequate and will cause traffic problems on The Wool Rd where children will be walking to attend Vincentia Primary School, Vincentia High School and the Bay and Basin Leisure Centre. It is very close to the roundabout at Naval College Rd and The Wool Rd which is a major intersection with traffic entering from all directions.

- 2) **Safety of pedestrians** – this development will increase traffic volume on the site and put the safety of pedestrians at risk. Pedestrians will have no choice but to interact with the vehicles. There have been accidents where pedestrians have been hit by vehicles on the pedestrian crossing at the main entrance of the current building, near the Post Office. Requests to Home Co have been made to divert traffic around the periphery of the carpark to improve pedestrian safety.

The situation will be exacerbated with the development of both Stage 2 and the Specialty Retail area in Stage 3.

- 3) **Effects on the environment** – the increased hard surfaces to accommodate buildings and parking will create increases in temperature and water runoff into Moona Moona Creek and Jervis Bay. We note the environmental comments draw heavily on the fact that proposals in the original plan were approved for Stage 1 and therefore continue to be valid. Anecdotal evidence indicates that the downstream impacts of water run offs and wind dispersed littering, in recent months, have created unacceptable impacts to the environment and Jervis Bay National Park. Considering the amount of rainfall we have experienced and recognition of the effects of climate change, a new environmental assessment is essential.

The claim under *Fisheries Management* that “the development does not involve impacts to Key Fish Habitat, does not involve harm to Act 1994 marine vegetation, dredging, reclamation or obstruction of fish passage”. It must be stressed that this statement ignores the consequences of significant polluted water being discharged by the site into the catchment containing a fish hatchery and whose flows directly affect the Jervis Bay commercial Aquaculture Farming.

Within the Flood study there is no consideration of the increased risk of these flows and their rate of flow on housing developments along Moona Moona Creek, where building DAs have been approved by the Shoalhaven City Council prior to this Modification.

In conclusion, Vincentia Matters request this proposed modification for expansion to Home Co, not proceed in its current format. In order to have a genuine indication of the impact this proposed modification will have on our lifestyle and environment, it is essential a new Traffic Survey is conducted during the Shoalhaven's peak period - late December - January.

A new Environmental Assessment should be mandatory, based on the scale of the proposed expansions for Levels 2 and 3, addressing more than the actual site environment, and fits in with the Illawarra Shoalhaven Regional Plan on the downstream environment and catchment areas.

Sincerely