

# PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT



TOWN PLANNING  
AND URBAN DESIGN

## Request under Section 75W of the Environmental Planning and Assessment Act, 1979 for amendments to approved Concept Plan and approved Project Application

### VINCENTIA DISTRICT CENTRE

for Fabcot Pty Ltd

October 2009

PROJECT NO: 208.058.33 Vincentia

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# **1 INTRODUCTION**

## **1.1 EXECUTIVE SUMMARY**

This preliminary environmental assessment report has been prepared on behalf of Fabcot Pty Ltd (Proponent) which is a wholly owned subsidiary of Woolworths Limited, to request the Minister form an opinion under Section 75W of the *Environmental Planning and Assessment Act, 1979* to:

1. modify the approved Concept Plan for Vincentia Coastal Village (VCV) – MP 06\_0060; and
2. modify the approved Stage 1 Project Application granted for the Vincentia District Centre (VDC) – MP 06\_0025;

Each of these approvals were granted under Clause 6 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) for land at the corner of Naval College Road and Moona Creek Road, Vincentia being development of a kind described in Clause 6 via Part 29 of Schedule 3 of the Major Development SEPP as a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies.

This report (and attached letter) also represents the Proponent's request the Minister form an opinion under Section 75W of the *Environmental Planning and Assessment Act, 1979* to accept an amended Concept Plan and Project Application in lieu of the existing approvals as the proposed changes will not radically alter the development.

In the event that the Minister forms the opinion that the development is acceptable as a modification under Part 3A, the Proponent also seeks the Director-General's requirements for the preparation of the environmental assessment for the amended Concept Plan and Project Application.

The purpose of this Preliminary Environmental Assessment Report is to outline the nature of the combined amended Concept Plan and Stage 1 Project Application, and identify the planning and environmental issues that will be relevant. This Preliminary Environmental Assessment Report includes a number of technical investigations to assist in evaluating the benefits of the amended concept plan and project while at the same time managing its impacts.

## **1.2 THE PROPONENT**

Fabcot Pty Limited ('Fabcot') is a wholly owned subsidiary of Woolworths Limited being the proponent for this modification under Section 75W of the EP&A Act for an amended Concept Plan and Stage 1 Project Application.



### 1.3 HISTORY OF PLANNING APPROVALS

Table 1 as follows, provides a summary of the approvals granted for the subject site:

**Table 1: History of Planning Approvals**

Date	Planning Approval
25 January 2007	<p>Vincentia Coastal Village (VCV) Concept Plan/Project Approval</p> <p>Concept approval (as modified) MP 06_0060 under Part 3A for:</p> <ul style="list-style-type: none"> <li>• 603 lot residential subdivision;</li> <li>• Residential development for an adaptable housing area;</li> <li>• Commercial development (District Town Centre) identifying: <ul style="list-style-type: none"> <li>○ Indicative building footprints;</li> <li>○ Total floor area of no more than 32,000 square metres (total for both Stage 1 and Stage 2);</li> <li>○ A range of uses, including DDS, supermarket, medical centre, child care centre, etc.;</li> <li>○ A site (Stage 3) for future retail development (bulky goods); and</li> <li>○ Environment protection measures on the remaining land.</li> </ul> </li> </ul> <p>And</p> <p>Project approval (as modified) MP 06_0058 under Part 3A for 603 lot residential subdivision, 60 hectares of open space area, internal road network and construction and operation of display village for Stage 1 development.</p>
8 October 2007	Modification 1
9 July 2008	Modification 2
6 February 2009	Modification 3
13 February 2009	Modification 4
20 April 2009	Modification 5
14 November 2008	<p>Site of Coastal Village and District Centre inserted into Schedule 3 to the State Environmental Planning Policy (Major Projects) 2005 as a State Significant Site.</p> <p>The planning regime for the site is now Part 29 of Schedule 3 to State Environmental Planning Policy (Major Projects) 2005.</p>
7 January 2009	<p>Vincentia District Centre (VDC) Stage 1 Project Approval</p> <p>Project Approval (as modified) MP 06_0025 under Part 3A for development of Stage 1 of the Vincentia District Town Centre, including:</p> <ul style="list-style-type: none"> <li>• Subdivision to create a 12.24 ha lot upon which the Vincentia District Centre will be constructed;</li> <li>• Approximately 14,000 square metres of floor area including retail, commercial and community floor space;</li> <li>• Fit-out and occupation of Woolworths and Aldi supermarkets; and</li> <li>• 683 car parking spaces, two loading docks and trolley storage.</li> </ul>
10 April 2009	Modification 1



The Concept Plan as approved is based on the summary in Table 2:

**Table 2: Summary of Concept Plan Approval**

<b>Scheme</b>	<b>Stage 1 (Square Metres)</b>	<b>Stage 2 (Square Metres)</b>	<b>Stage 3 (Square Metres)</b>	<b>Centre Total Area (Square metres)</b>
Supermarket 1	4,185	0	0	4,185
Supermarket 2	1,488	0	0	1,488
Supermarket 3	0	0	3,500	3,500
DDS	0	6,670	0	6,670
Specialty Retail	3,433	3,612	1,447	8,492
Nursery	0	0	0	0
Kiosks/Casual RT	155	0	0	155
Fruit and Vegetables	300	0	0	300
Mini Major 1	600	0	0	600
Mini Major 2	0	800	0	800
Commercial	0	1,365	0	1,365
Library	743	0	0	743
F+B	0	0	650	650
Commercial	542	0	0	542
Services/Amenities	306	0	0	306
Centre Management	99	0	0	99
Comm./Community	2,105	0	0	2,105
<b>Total Retail</b>	<b>10,161</b>	<b>11,082</b>	<b>4,947</b>	<b>26,190</b>
<b>Total Comm/Others</b>	<b>3,795</b>	<b>1,365</b>	<b>650</b>	<b>5,810</b>
<b>Grand Total</b>	<b>13,956</b>	<b>12,447</b>	<b>5,597</b>	<b>32,000</b>
<b>Progressive Totals</b>	<b>13,956</b>	<b>26,403</b>	<b>32,000</b>	<b>32,000</b>

Car parking associated with the Concept Plan approval is as follows in Table 3:

**Table 3: Summary of Approved Car Parking**

<b>Scheme</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Centre Total Area</b>
<b>Required</b>				
Retail	508.05	554.1	247.35	1,309.5
Commercial/Others	158.125	56.875	27.083	242.083
Bulky Goods				
<b>Totals</b>	<b>666.175</b>	<b>610.975</b>	<b>274.433</b>	<b>1,551.083</b>
<b>Progressive Totals</b>	<b>666.175</b>	<b>1,277.15</b>	<b>1,551.583</b>	<b>1,551.583</b>



<b>Scheme</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Centre Total Area</b>
<b>Approved</b>				
Retail	509	590	270	1,369
Commercial/Others	100	60	30	190
Comm./Community	9	0	0	9
	2 bus	0	0	2 bus
Off-street car park	78	0	0	78
<b>Totals</b>	<b>696</b>	<b>650</b>	<b>300</b>	<b>1,646</b>
<b>Progressive Totals</b>	<b>696</b>	<b>1,346</b>	<b>1,646</b>	<b>1,646</b>

The following is an extract from the Director-General's Environmental Assessment Report dated December 2009, in reference to the approval history:

*On 25 January 2007, the former Minister granted concept plan approval for the VCV & DC comprising a 604 lot residential subdivision, a residential development for an adaptable housing area, and commercial development being a district town centre and display village.*

*The former Minister granted concurrent project approval for the residential component of the VCV & DC including a 604 lot residential subdivision, the design of the internal road network, water sensitive urban design elements, open space and associated works.*

*Subsequent to obtaining approval, the Proponent sought and obtained the approval of the former Commonwealth Department of Environment and Water Resources for the development under sections 18 and 18A (Listed threatened species and ecological communities) of the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). This approval reduced the developable footprint from the concept approval and established the Environmental Zone for the site, being the area of land which must be managed in perpetuity to protect listed threatened species, biodiversity and habitat corridor values.*

*The project application for Stage 1 of the District Centre relates to the same developable footprint approved as part of the concept plan application and subsequent Commonwealth EPBC referral.*

*On 14 November 2008, State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP) was amended to list the VCV & DC site as a State significant site in Schedule 3 of that Policy.*

## 1.4 SITE DESCRIPTION

The site is located on the south-west corner of Moona Creek Road and Naval College Road, Vincentia, which is located some 170 kilometres from the Sydney CBD in a straight line distance.

The site has an area of approximately 12.677 hectares.

Figure 1 indicates the site location.

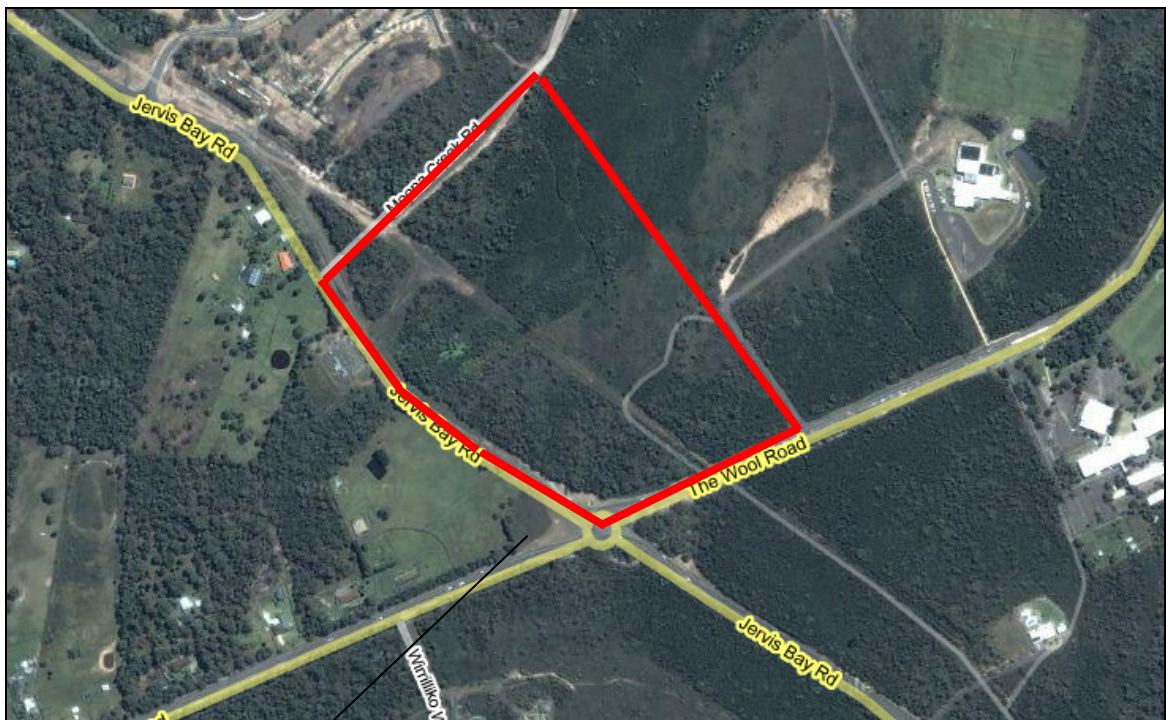


Figure 1: Aerial Context of Site - Approximate location outlined in red NTS  
Source: Google Maps

The site of the VDC is legally described as follows:

- Lot 73 in Deposited Plan No. 874040 (as shown in Figure 2 below); and
- Lot 802 in Deposited Plan No. 1022286.

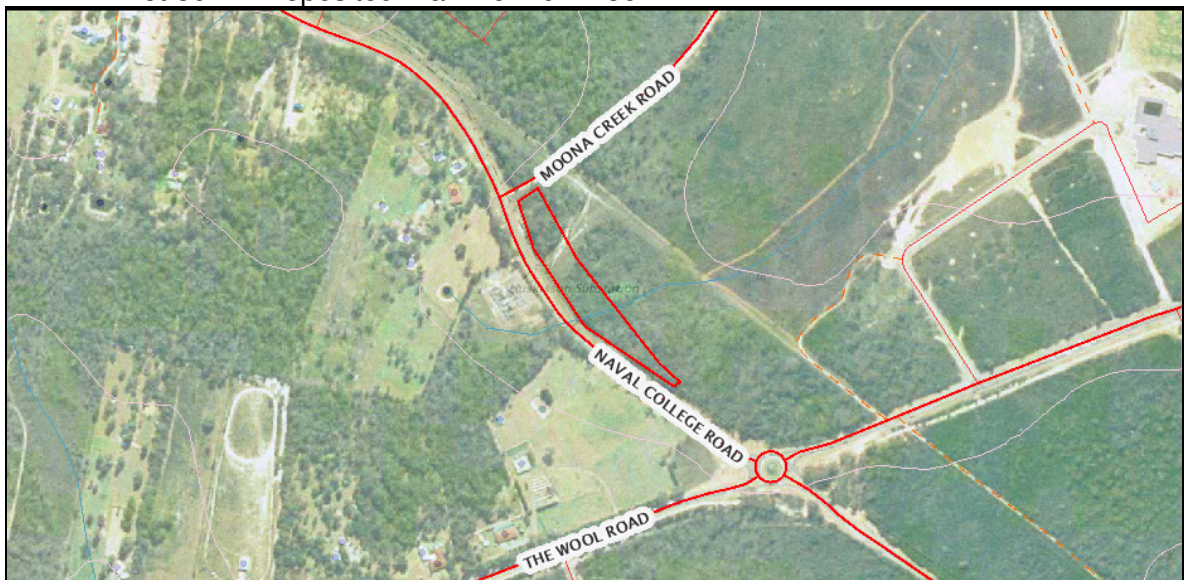


Figure 2: Cadastral Relationship of Site – Lot 73 in Deposited Plan No. 874040 NTS  
Source: Department of Lands SIX Viewer

A copy of letters granting land owners consent can be found at **Appendix A**.

## 1.5 LOCAL AND REGIONAL CONTEXT

The VCV & DC site is 127 hectares (ha) of land located on the northern intersection of Jervis Bay Road (Naval College Road) and The Wool Road, Vincentia. The site is within the Shoalhaven City Council Local Government Area, approximately half way between Nowra and Ulladulla.

The site is located approximately two kilometres south west of the existing Vincentia Township, and is bound by the Jervis Bay National Park and Jervis Bay National Park Wetlands to the west and north, The Wool Road to the east and Naval College Road to the south. The site upon which the Stage 1 Project Application approval of the District Centre has been granted is located within the VCV & DC and has an area of 12.677 ha. Figure 3 demonstrates the location of the site relative to its regional context.

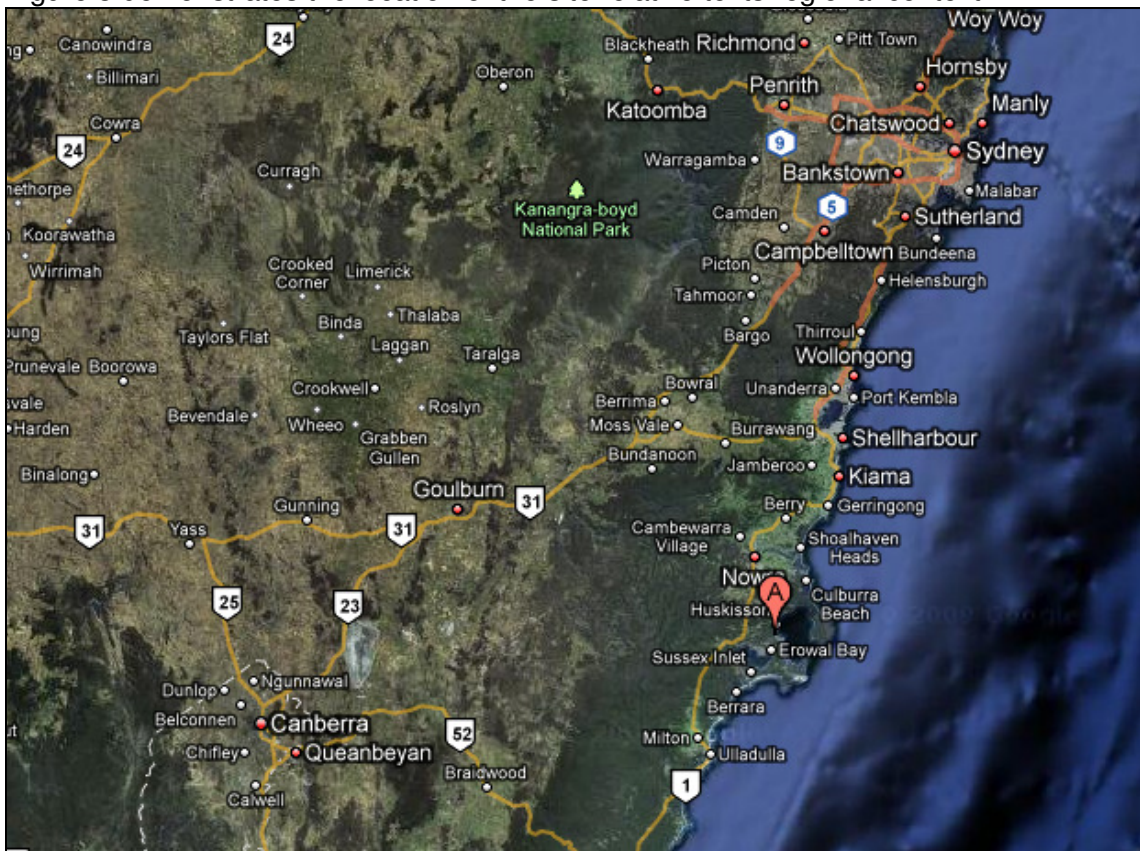


Figure 3: Regional Context of Site NTS  
Source: Google Maps

## 1.6 SURROUNDING DEVELOPMENT

As the site is separated from the main township of Vincentia and bound on either side by the Jervis Bay National Park (see Figure 1), surrounding land uses are limited, involving mostly rural-residential housing dating back to the middle of the Twentieth Century. Services and facilities in proximity to the VCV & DC site include the Vincentia Primary School and Vincentia High School located to the east, the Bay and Basin Leisure Centre which is adjacent to the north east boundary of the site and convenience shopping at Vincentia, Erowal Bay and St Georges Basin.



## 2. PROPOSAL

### 2.1 PROPOSED AMENDMENTS TO CONCEPT PLAN AND STAGE 1 PROJECT APPLICATION

The Proponent is now seeking to modify the approved Concept Plan and Project Application under Part 3A of the Act for the proposed VDC, comprising of:

- Amendment of Concept Plan MP 06\_0060 involving:
  - Maintaining the general footprint of the building and car parking areas; and
  - Reduction in number of stages to 2; and
- Amendment of Project Approval MP 06\_0025, as follows:
  - Approval for Stage 1 and Stage 2 of the VDC.

The proposed development is illustrated by the preliminary amended concept plan at **Appendix B** and is proposed to comprise the following elements:

- Amended Concept Plan and Project Application for a retail development to be undertaken in two stages comprising:

**Table 4: Summary of Proposed Amendments**

<b>Scheme</b>	<b>Stage 1 (Square Metres)</b>	<b>Stage 2 (Square Metres)</b>	<b>Total Centre (Square Metres)</b>
<b>Supermarket 1</b>	4,180	0	4,180
<b>Supermarket 2</b>	1,400	0	1,400
<b>Supermarket 3</b>	0	3,400	3,400
<b>Big W Discount Department Store</b>	8,040	0	8,040
<b>Mini Major 1</b>	1,000	0	1,000
<b>Mini Major 2</b>	0	1,000	1,000
<b>Specialty Shops</b>	6,680	3,200	9,880
<b>Service/Amenities</b>			
<b>Total Retail</b>	<b>21,300</b>	<b>7,600</b>	<b>28,900</b>
<b>Commercial</b>	525		525
<b>Library</b>		1,700	1,700
<b>Total Comm/Others</b>	<b>525</b>	<b>1,700</b>	<b>2,225</b>
<b>Total Centre</b>	<b>21,825</b>	<b>9,300</b>	<b>31,125</b>



- Amendments to the Project Application generally involving the Woolworths supermarket, Aldi supermarket, Big W DDS and specialty shops in Stage 1 involving a redistribution in floor areas, slightly reconfigured loading dock areas and the remainder being completed in Stage 2;
- The proposal is now to seek approval for both Stages 1 and 2 as part of the Project Application;
- Car parking for the amended Concept Plan and Project Application for a retail development to be undertaken in two stages comprising:

**Table 5: Summary of Proposed Car Parking Amendments**

<b>Scheme</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Total Centre</b>
<b>Required</b>			
Retail	852	304	1,156
Commercial/Others	21	68	89
Bulky Goods	0	0	0
<b>Totals</b>	<b>873</b>	<b>372</b>	<b>1,245</b>
<b>Progressive Totals</b>	<b>873</b>	<b>1,245</b>	<b>1,245</b>
<b>Proposed</b>			
Retail	1,006	267	1,273
Commercial/Others	40	60	100
Bay and Basin	0	0	0
	2 bus	0	2 bus
Off-street car park	78	0	78
<b>Totals</b>	<b>1,124</b>	<b>327</b>	<b>1,451</b>
<b>Progressive Totals</b>	<b>1,124</b>	<b>1,451</b>	<b>1,451</b>

- Separate loading dock facilities for each component of the retail centre; and
- Inclusion of supplementary infrastructure measures associated with the provision of water, sewer and energy to the site to match stages.

The Figure 5 provides an extract of the proposed amended Preliminary Concept Plan (**Appendix B**), as follows:



**Figure 5: Proposed Amended Concept Plan**  
**Source: Rice Daubney**

The architectural team who worked on the VDC Rice Daubney have worked on the amendments sought to the Concept Plan. To this extent, Rice Daubney has also prepared a Design Statement which can be found at **Appendix D**.



### 3. STATE LEVEL STRATEGIC PLANNING

This Preliminary Environmental Assessment report has considered the State strategic planning documents, to form an understanding of where the subject land fits with the current State strategic planning framework and determine whether the proposed zoning change is consistent with this framework. As such, the State Plan has been considered as follows.

#### 3.1 NSW STATE PLAN

On 14 November 2006, the New South Wales (NSW) Premier launched the *State Plan – A New Direction for NSW*. The purpose of the plan is to deliver results from Government services. The State Plan includes a number of goals which the NSW Government is working towards. Specifically, the proposed development will make a contribution towards achieving a number of the key goals of the State Plan.

<b>OUR GOALS</b>	<b>OUR PRIORITIES</b>	<b>OUR TARGETS</b>
<b>Improved Urban Environments</b>	<b>E5</b> Jobs closer to home.	<ul style="list-style-type: none"> <li>• Increase the number of people who live within 30 minutes of a city or major centre by public transport in metropolitan Sydney.</li> </ul>
	<b>E6</b> Housing Affordability.	<ul style="list-style-type: none"> <li>• Ensure the supply of land and a mix of housing that meets demand.</li> </ul>
	<b>E7</b> Improve the efficiency of the road network.	<ul style="list-style-type: none"> <li>• Maintain current travel speeds of Sydney's major road corridors despite increase in travel volumes.</li> </ul>
	<b>E8</b> More people using parks, sporting and recreational facilities and participating in the arts and cultural activity.	<ul style="list-style-type: none"> <li>• Increase visits to State Government parks and reserves by 20% by 2016.</li> <li>• Increase participation in sporting activities by 10% by 2016.</li> <li>• Increase visits to and participation in the arts and cultural activity 10% by 2016.</li> </ul>

Source: *State Plan NSW Government 2006 pp.6 - 7*

#### 3.2 SOUTH COAST REGIONAL STRATEGY

This request has also considered the State strategic planning documents, to form an understanding of where the subject land fits with the current State strategic planning framework and determine whether the proposed zoning change is consistent with this framework. As such, the South Coast Regional Strategy has been considered.

The South Coast Regional Strategy (SCRS) was adopted as NSW State Government Policy in January 2007 and the Department of Planning webpage notes:

*The South Coast features some of the most spectacular coastal scenery in NSW with unspoilt beaches interspersed with rugged headlands and more than half of the State's coastal lakes and lagoons.*

*Primary industries such as dairying, forestry and fisheries provide an important economic base for towns like Bega, Eden and Ulladulla. Tourism, particularly nature-based, is also booming in many coastal towns with the South Coast the fourth most visited holiday place for Australians.*



*By 2031, the region's population is expected to reach 226,000 - an increase of 36%. This strategy will guide sustainable growth, providing places to live and work while protecting valuable agricultural and natural assets.*

*The NSW Government's 25-year land use strategy:*

- *protects sensitive coastal areas, productive agricultural land and natural resources including water resources and threatened flora and fauna*
- *caters for 60,000 more people, 45,600 new dwellings and a variety of house styles to suit smaller households and an aging community*
- *locates new development in the right places by promoting growth of existing centres rather than any new towns or villages, and reviewing urban lands in sensitive locations*
- *supplies well-located employment lands to support an extra 25,800 jobs, particularly in the tourism and aged care sectors*
- *protects the unique character of the South Coast - its rural and coastal towns and villages and pristine natural landscapes.*

*The strategy will guide local planning in the three local government areas of Shoalhaven, Eurobodalla and Bega Valley and will be reviewed every five years.*

In terms of assessing the economic impact of the amended Concept Plan and Project Application, the proposal has been considered by Pitney Bowes as referenced in the Updated Economic Assessment Report at **Appendix C**.

As such, the proposed amendments to the Concept Plan and Project Application are considered to be consistent with the SCRS and its intent for the NSW South Coast.

### **3.3 NSW COASTAL POLICY**

The 1997 NSW Coastal Policy sets the context in providing for population growth and economic development at the same time protecting the natural, cultural, spiritual and heritage values of the coastal environment. To achieve this, the Policy has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD).

The Policy addresses a number of key coastal themes including:

- population growth in terms of physical locations and absolute limits
- coastal water quality issues, especially in estuaries
- disturbance of acid sulfate soils
- establishing an adequate, comprehensive and representative system of reserves
- better integration of the range of government agencies and community organisations involved in coastal planning and management
- indigenous and European cultural heritage, and
- integration of the principles of ESD into coastal zone management and decision making.



The management of the coastal zone is the responsibility of a range of government agencies, local councils and the community. The Policy provides a framework for the balanced and coordinated management of the coast's unique physical, ecological, cultural and economic attributes.

The proposed amendments to the approval as sought, will address all of the key requirements of the Coastal Policy as part of the detailed Environmental Assessment.

### **3.4 NSW COASTAL DESIGN GUIDELINES**

The diverse beauty of the NSW coast is at risk from developments which pay little attention to urban design principles. Application of the principles set out in the '*Coastal Design Guidelines for NSW*' (Coastal Council of NSW 2003) will ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW.

The guidelines provide a world-standard approach for how urban design can be best used in a coastal context.

The detailed design of the proposed development will form part of the Amended Concept Plan and Project Application which will have particular regard to the NSW Coastal Design Guidelines.

### **3.5 NSW DRAFT CENTRES POLICY**

At the time of writing, the Department of Planning had released the *Draft Centres Policy* for comment and consultation. The Policy when finalised is intended to provide a planning framework for the development of new and existing retail and commercial centres in NSW. The draft policy is based on six principles:

- *Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.*
- *The planning system should be flexible enough to enable centres to grow, and new centres to form.*
- *The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.*
- *The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.*
- *The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.*
- *Retail and commercial development should be well designed to ensure they contribute to the amenity, accessibility, urban context and sustainability of centres.*

To accompany this preliminary assessment a retail floor space needs and demand assessment has been completed by Map Info which can be found at **Appendix C** which is consistent with the approach outlined in the *Draft Centres Policy*.



## 4. STATUTORY MATTERS

### 4.1 STATE MATTERS

#### 4.1.1 Environmental Planning and Assessment Act, 1979

The NSW State Government has successfully passed and enacted the *Environmental Planning and Assessment Amendment Act 2008 (Amendment Act)*, which altered Part 3A among other matters.

The proponent requests that the Minister allow a modification of the approved Concept Plan and approved Project Application under Section 75W of the *Environmental Planning and Assessment Act, 1979*, which states:

**75W Modification of Minister's approval**

(1) *In this section:*

**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.

**modification of approval** means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
  - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
- (a) an approval granted by or as directed by the Court on appeal, or
  - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.
- (7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

It is considered that the provisions of Section 75W of the EP&A Act could be exercised by the Minister in this instance to modify the approved Concept Plan and Project Application, based on the following:



1. If approved, the modification will not radically alter the development from its approved form;
2. The nature of the proposed changes relate to the staging of the project and seeks the delivery of a centre (both in its staging and when completed) which include all of the community benefits which have already been approved. Specifically, the main site infrastructure will be delivered in the same manner as that approved, including roads and pedestrian links so as to maintain legibility. The access points are unchanged from the approval and the architects involved in the project are unchanged. As such, irrespective of staging the proposed modifications will deliver the same outcomes anticipated by existing approvals. It is considered that the revised staging will provide for better legibility by providing a completed through-site link from Moona Creek Road to the Wool Road;
3. While the previous approval included the delivery of a library within Stage 1 having an area of some 743 square metres, it is proposed to deliver this community facility within Stage 2 with a larger area of some 1,700 square metres to off-set the delay in moving this from stage 1 to stage 2. It is noted that no formal information was previously submitted with the application to justify the inclusion of this facility in Stage 1;
4. The timing for Stage 1 of the centre under existing approvals was due for completion in 2009, however due to factors related to changes in the market associated with the economy, the sale of the land by Stockland to Fabcot and the length of time to obtain approvals prior to Fabcot acquiring the land, this will not occur and thus staging and timing have sought to be revised by Fabcot;
5. The staging is proposal has been revised by Fabcot so as to deliver a centre to support the current identified needs and gaps in the market. As such, the Big W discount department store (DDS) has been now included within Stage 1. The size of the DDS component as currently approved does not conform to the requirements of Big W and thus a change in floor area is sought. Further, the location of the Aldi supermarket has been repositioned to maintain its inclusion in Stage 1. The floor area associated with the specialty shops has been adjusted accordingly. It should be noted that the overall floor area of the modified development is to be 31,125 square metres, which is less than that approved being maximum of 32,000 square metres; and
6. Further, an overlay has been prepared to assist in identifying the changes associated with the proposal. This overlay demonstrates that the outcomes as already approved will be delivered as part of the proposed modification, albeit in a slightly different layout. The principles of the design competition winning design will be maintained.

It is also noted that the previous design and thus the proposed modified design meets the criteria specified in Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and triggered by Clause 6.



Further, the proponent requests authorisation from the Minister under Section 75M of the *Environmental Planning and Assessment Act, 1979* for an amended Concept Plan.

The amendment to the approved Project Application seeks approval for both Stages 1 and 2 will enable Fabcot to construct the VDC as and when needed to meet the market, allow for timing matters which may be unforeseeable / unpredictable due to rapidly changing regional economies and will also enable construction to commence as soon as possible on-site following approval.

The preliminary assessment is supported by the following information:

- Preliminary Amended Concept Plan with staging – Rice Daubney Architects at **Appendix B**;
- Economic impact assessment – Map Info at **Appendix C**;
- Design Statement to accompany Preliminary Amended Concept Plan – Rice Daubney Architects at **Appendix D**; and
- Comparative Overlay – Rice Daubney Architects at **Appendix E**.

#### 4.1.2 State Environmental Planning Policy 2005 (Major Projects)

Formerly known as *State Environmental Planning Policy (Major Projects) 2005*, *State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP)* defines certain developments that are major projects under Part 3A of the *Environmental Planning and Assessment Act 1979* and determined by the Minister for Planning. The Major Development SEPP also lists State significant sites. The policy repeals SEPP 34 and SEPP 38, as well as provisions in numerous other planning instruments, declarations and directions.

Clause 6 of the Major Development SEPP enables the Minister to make a declaration with respect to a proposed development under Part 3A of the *Environmental Planning and Assessment Act, 1979* based on the following:

*6 Identification of Part 3A projects*

*(1) Development that, in the opinion of the Minister, is development of a kind:*

*(a) that is described in Schedule 1 or 2, or*

*(b) that is described in **Schedule 3** as a project to which Part 3A of the Act applies, or*

*(c) to the extent that it is not otherwise described in Schedules 1–3, that is described in Schedule 5,*

*is declared to be a project to which Part 3A of the Act applies.*

#### Schedule 3 of Major Development SEPP

Under Schedule 3 of the Major Development SEPP, Part 29 identifies the subject site.



## Permissibility

On 14 November 2008, the Major Development SEPP was amended to list the VCV & DC site as a State significant site in Schedule 3 of that Policy.

The District Centre site is zoned B2 – Local Centre (in Schedule 3 of the Major Development SEPP). Therefore, the proposed District Centre is permissible with consent on the subject site.

## Relevant Clauses under Schedule 3 Part 29

The following has been considered under Part 29:

### *18 Height of buildings*

*(1) The objectives of this clause are as follows:*

- (a) to ensure the scale and bulk of future development is compatible with the existing urban form and surrounding natural coastal bushland,*
- (b) to ensure that new buildings do not unreasonably affect the amenity of the environment,*
- (c) to maintain solar access to public reserves, roads and buildings on the site,*
- (d) to promote development that conforms to and reflects the natural land forms, by stepping development on sloping land to follow the natural gradient.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Building Height Map.*

and

### *19 Gross floor area*

*The total gross floor area of all buildings on land in Zone B2 Local Centre within the Vincentia Coastal Village site must not exceed 32,000 square metres.*

In this regard, the overall height of the approved buildings are not proposed to change, however, the preliminary amended concept design does not delve into this level of detail.

With respect to gross floor area, it is noted that Stages 1 and 2 of the Project Application seek a total combined floor area of 31,125 square metres which is slightly less than the 32,000 square metres permitted by the Major Development SEPP.

All clauses under Part 29 of Schedule 3 of the Major Development SEPP will be considered in detail as part of the Environmental Assessment for the amended Concept Plan and Project Application.

## Design Competition

It is noted that the Director-General's previous report states in part in relation to the Design Competition process:

*Modification A4 to Schedule 2 of the concept approval required the Proponent to undertake a design excellence competition for the proposed District Centre that was to be assessed by an independent jury panel.*



*A Design Competition Brief approved by the Department was used by the Proponent to brief three architectural firms that were invited to participate in the design excellence competition. Each of the three participants submitted one design proposal consistent with the approved concept plan (conforming entry) and one non-confirming entry addressing the design, environmental and commercial merits of varying from the concept approval.*

*From the six design submissions entered into the competition, the jury panel unanimously selected architects Rice Daubney's non-conforming entry as the preferred design subject to a number of modifications. The winning design submission was then modified in accordance with the jury panel's recommendations and it is the modified version of the design master plan that now forms the basis of the project application for Stage 1 of the District Centre.*

A number of variations are proposed to the selected design from the design excellence competition in relation to the staging, size and positioning of floor space within the VDC, as outlined in Table 4 previously. To this end, Fabcot engaged Rice Daubney as the design competition selected architects to work on the amended Concept Plan. A Design Statement (refer **Appendix D**) accompanies the amended Concept Plan as prepared by Rice Daubney, which ensures that the four main public domain elements are maintained within the amended Concept Plan, as follows:

- 1. **Moona Creek Rd** is mainstreet; it is activated by two 'gateway buildings' which flank arbour walk. The level of activation is appropriate to a village and is hence scaled to respond and interact wit the residential development and forms the interface between the town and house; the experience of the town appropriately announces itself at this interface*
- 2. **Arbour Walk** is a pedestrian street that continues the residential walk in a seamless transition of the smaller scale elements of the suburb to the larger scale elements of the town; it is orientated and focuses on the water as a reference point continually opening the vista and providing a physical link to the bush*
- 3. **Canopy Walk** is a pedestrian street with a floating 'parasol' which allows differing degrees of cover while allowing light and shadow into the spaces. It continues the experience of the 'outside' blurring the distinction between inside and outside 'knitting' the individual buildings of the town together*
- 4. **Boardwalk** is an 'eco' trail where the natural beauty of the bush and water can be appreciated. It weaves its way thorough all parts of the other experiences from inside to out and is the main visual focus of the town*

In this way, the principles of the selected winning entry will be maintained and minor design iterations associated with the timing and allocation of floor space have evolved since the winning entry. As such, the amended Concept Plan can demonstrate consistency with the Concept Approval.



#### 4.1.3 State Environmental Planning Policy No. 55 – Remediation of Land

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist determination authorities and developers. The provisions of SEPP 55 state at clause 7:

- 7 Contamination and remediation to be considered in determining development application
- (1) A consent authority must not consent to the carrying out of any development on land unless:
    - (a) it has considered whether the land is contaminated, and
    - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
    - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
  - (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
  - (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
  - (4) The land concerned is:
    - (a) land that is within an investigation area,
    - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
    - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
      - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
      - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Based on the known recent land use history, the land has not been used for any specifically contaminating activity identified under the Managing Land Contamination guidelines. The majority of the land is currently not being used for any purpose and is largely vacant, at a minimum the land may have been used for rural agricultural purposes in the past.

The land is not proposed to be developed for a residential purpose, involves only excavation for the purposes of basement car parking and is therefore not proposing a more sensitive use of the land. Further investigation can be undertaken with an Environmental Assessment.



#### 4.1.4 State Environmental Planning Policy Infrastructure 2007

The proposal involves a development of the land for a 20,000 square metre retail centre. Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, the proposal triggers the criteria of Schedule 3 being Column 2:

*Size or capacity—site with access to any road*

*Shops – 2,000 square metres in area*

Clause 104 of the SEPP states:

**104 Traffic-generating development**

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
  - (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, **relevant size or capacity** means:*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
    - (ii) *the accessibility of the site concerned, including:*
      - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
    - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

An amended traffic and parking assessment has not been undertaken as part of this preliminary environmental assessment. All traffic and parking impacts associated with the amended concept plan and amended Project Application can be assessed in detail as part of the Environmental Assessment.



## 5. ENVIRONMENTAL IMPACTS

It is noted by the proponent that a number of detailed investigations have occurred and been reported as part of previous Environmental Assessments as submitted to the Department for consideration as part of previous approvals. Further, the approvals granted to the VDC include various conditions which were the result of the Statement of Commitments which flowed from the various investigations. It is not proposed at this time to alter these commitments. However, as part of the Environmental Assessment for the amended Concept Plan and Project Application revised Statements of Commitments will be provided, however the proponent asks that the various previous investigations be taken into consideration with this Preliminary Environmental Assessment to avoid the need for duplication and additional costs associated with the changes proposed.

### 5.1 UTILITIES AND INFRASTRUCTURE

The proponent has obtained preliminary advice that there are existing sewer, water, telecommunication, energy, gas and roads infrastructure and utilities in the locality, which will require augmentation and supplementary facilities provided with the proposed development. Further information in relation to this aspect can be provided with an Environmental Assessment and will form part of the details associated with each Stage.

### 5.2 ECONOMIC IMPACT

An Updated Economic Impact Assessment dated September 2009 has been prepared by Pitney Bowes based on the Preliminary Sketch being the prelude to the Preliminary Amended Concept Plan as prepared by Rice Daubney.

This report discusses the changes to the staging and assesses the impact for Stages 1 and 2 of the Project Application in detail.

The changes in floor space and timing of the VDC have been considered and the report states in part:

*These comparisons illustrate the following:*

- Projected sales levels for existing retailers throughout the trade area, post the development of Stage 1 of Vincentia District Centre in 2010/11, would be on average 1.7% lower than the current estimated 2008/09 sales.*
- As compared with the sales volume which all other retailers in the main trade area are projected to achieve in 2010/11 if the Vincentia Town Centre did not proceed, the post-development sales volume would be on average 8.5% lower.*

*The likely impacts detailed above are estimated average impacts across all trade area retailers. Some trade area retailers are likely to be impacted more than others based on the offer, their competitive situation in relation to Vincentia Town Centre and the tenant mix.*



*As a result of the at present limited retail offer in the main trade area, existing retailers are currently trading strongly. While the impacts detailed above are not insignificant, they are expected to be neutralised in a few years, as projected solid population growth continues in the trade area. Furthermore, the greatest impact of the proposed Vincentia District Centre development is expected to come from the retention of retail expenditure currently “escaping” to larger facilities beyond the defined trade area.*

*Using the same methodology employed in Table 3.3, Table 3.4 presents a summary of the growth in retail spending generated by the trade area population, compared with projected sales for Stage 2 of the Vincentia Town Centre, assuming Stage 1 of the development proceeds. All sales are expressed inconstant 2008/09 dollars and include GST.*

*In summary:*

- Projected sales levels for existing retailers throughout the trade area, post the development of Stage 2 of Vincentia Town Centre in 2013/14, would be on average 5.3% higher than the estimated 2010/11 sales, which assume that Stage 1 has commenced trading.*
- Relative to 2013/14 sales projections assuming Stage 2 does NOT proceed, the post-Stage 2 development sales volume of existing retailers is expected to be on average 5.6% lower. In other words, retailers throughout the main trade area are likely to have their sales reduced in 2013/14 as a result of the proposed Stage 2 Vincentia Town Centre development, but only slightly.*

As such, the proposed revised staging and amendments will not result in adverse economic impacts.

### **5.3 GEOTECHNICAL INVESTIGATIONS**

No geotechnical investigations have been undertaken at this time by Fabcot for the subject site; however the proponent can undertake these investigations as part of the detailed design work for the Project Application.

Therefore, specific construction measures can be implemented on-site to minimise disturbance to acid sulphate soils, details of which can be provided with an Environmental Assessment if necessary.

### **5.4 ECOLOGY – VEGETATION ASSESSMENT AND FLORA AND FAUNA STUDY**

To date, the proponent has not undertaken any further ecological investigations on the site. As the land have already been the subject of extensive investigations and the subject of numerous approval processes. The changes sought to the approved Concept Plan and Project Application will not result in intrusions into the sensitive portions of the site, nor seeks to change approved details adjacent to the sensitive portions of the site.

### **5.5 NATURAL HAZARDS**

The original Concept Plan and Project Application (including its various amendments) has been the subject of investigations and reporting on a number of natural hazards, including: bushfire, acid sulphate soils and flooding have been considered in the previous Environmental Assessments and are not proposed to be reinvestigated.



## **5.6 HYDROLOGICAL ASSESSMENT**

The original Concept Plan and Project Application (including its various amendments) has been the subject of investigations and reporting on hydrological matters in the previous Environmental Assessments and are not proposed to be reinvestigated at this time.

## **5.7 TRAFFIC IMPACT ASSESSMENT**

The original Concept Plan and Project Application (including its various amendments) has been the subject of investigations and reporting on traffic and parking matters in the previous Environmental Assessments and are not proposed to be reinvestigated at this time but will form part of the Environmental Assessment stage of the amendments as proposed.

## **5.8 HERITAGE CONSIDERATIONS**

The portion of the site on which the VDC is to be located does not contain any known European Heritage items or European archaeological heritage.

While the site is highly disturbed, it is understood that investigations concerning Indigenous heritage have been undertaken as part of the previous Environmental Assessments and further investigations are not proposed at this time.

## **5.9 SOCIAL IMPACTS**

The proponent has been considering issues associated with the social impacts of the proposed development and the positive flow-on effects being broader than just economic associated with the provision of a new retail centre for Vincentia and these will be discussed in detail as part of the Environmental Assessment.

## **5.10 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT**

The technical investigations undertaken and which form part of this preliminary assessment, demonstrate that the land is capable of urban development to the intensity of a retail centre in the site location proposed.

The location of the proposed development has been chosen to provide for a suitable buffer along the Pipers Creek frontage of the site. The development can ensure that the “sensitive coastal zone” that is all of the land within the first 100m from the mean high water mark of Pipers Creek, remains undeveloped. Linkages can be maintained along the waterfront for fauna, along with screening to minimise the visual impact of the development from Pipers Creek.

Woolworths have consciously implemented a program to reduce their carbon footprint which starts with the construction and fit-out process of all new retail facilities.



## **6. CONCLUSION**

Subsequent to this submission and receipt of the Director General's response, the proponent intends to prepare an Environmental Assessment for the amended Concept Plan. Concurrently, it is requested that an amended Project Application to the extent of which is illustrated on the Preliminary Amended Concept Plan be also considered.

It is our view that this Preliminary Environmental Assessment submission indicates that the site will deliver an innovative and regionally responsive retail development for the current and future residents of Vincentia. The amended Project Application will identify all relevant changes associated with environmental, infrastructure and statutory issues pertaining to the proposed amendments sought and that the proposal has the potential to successfully address each and all of these as part of an Environmental Assessment.

We look forward to receiving the Director General's response to this submission to our request for an amended Concept Plan approval and Project Application approval. We look forward to the opportunity to work closely with the Department, Shoalhaven City Council and the community of Vincentia to deliver a landmark retail development on the site.





## **APPENDIX A**

### **Land Owners Consent Letter**





## **APPENDIX B**

### **Preliminary Amended Concept Plan**





## **APPENDIX C**

### **Updated Economic Impact Assessment**





## **APPENDIX D**

### **Architectural Design Statement**





## **APPENDIX E**

### **Overlay Comparison**

