

PERTH
SYDNEY



PREFERRED PROJECT AND RESPONSE TO SUBMISSIONS REPORT

Modification of Project Application No. 06_0205 (Mod 2)

URBAN DESIGN AND TOWN
PLANNING

Vincentia District Centre

for Fabcot Pty Ltd

September 2010

209.058.33 SUB RPT

[ACN 100 209 265 / ABN 90 100 209 265](#)

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Figure 1: Approved Staging and Floor Areas

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1. INTRODUCTION

This report has been prepared on behalf of the proponent Fabcot Pty Ltd (Fabcot), as the proponent's preferred project report and response to the submissions received by the Department of Planning from Shoalhaven City Council (SCC) and Vincentia Ratepayers and Residents Association (VRRRA) to the notification of Modification 2 of Project Application No. 06_0205 (Mod 2) for the Vincentia District Centre (VDC).

Each submission has been addressed separately, with input from specialist consultants and Fabcot where necessary. Supporting specialist consultant reports are attached as appendices where required, and the revised Statement of Commitments and Conditions with tracked changes can be found at **Appendix A**.

Consultant inputs include:

Halcrow (formerly Masson Wilson Twiney (MWT) - Traffic consultant – **Appendix B**

Cardno (formerly Cardno Forbes Rigby) - Stormwater and Civil Engineering – **Appendix C**

Site Image – Landscape Architecture – **Appendix D**

Donnelley Simpson Cleary – Water and Sewer – **Appendix E**



2. SHOALHAVEN CITY COUNCIL SUBMISSION

2.1 DRAWING INFORMATION

The SCC submission advises that Council does not grant approval to the concept civil design drawings prepared by Cardno Forbes Rigby both within the site and associated with works to The Wool Road.

Fabcot seeks approval to all of the concept design drawings prepared by Cardno for the civil works both within the site and in Moona Creek Road and The Wool Road.

Stockland already obtained approval for the concept drawings prepared by Cardno involving civil works both within the site and external of the site as approved in Statement of Commitments with Project Application No. 06_0205 and the Minister's Instrument of Approval.

This modification does not seek to alter this process other than to substitute the drawing information.

Action	No change required – refer to Revised Statement of Commitments
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2.2 STAGING PLAN

SCC has sought clarification as to the details of Stage 4.

As the Department will be aware, the Concept Plan approved for the VDC included a number of stages and this is reflected in the Project Application for Stage 1. Specifically, the Director-General's assessment report dated December 2008 for the Original VDC Project Application indicated at p.4:

The fully developed District Centre will be constructed in four stages. Stages 1 to 3 are expected to occur over a period of 12 years and the timing of Stage 4 (future bulky goods retaining precinct) will be determined by demand.



The total floor area and anticipated timing for each stage is outlined in Table 2 .				
Table 2. Floor area by stage (m²)				
	Stage 1 – 2009	Stage 2 – 2015	Stage 3 – 2019	Total
Retail	10,161	11,082	4,947	26,190
Commercial & Other	3,795	1,365	650	5,810
Total	13,956	12,447	5,997	32,000*
*Total gross floor area approved in the concept plan excluding future development of Stage 4				
As shown in Table 2 , Stage 1 of the District Centre comprises the construction of approximately 14,000m ² of floor area providing two supermarkets (Woolworths and Aldi), speciality shops, a library and commercial/community tenancies fronting Moona Creek Road and will be serviced by 683 on-site car parking spaces.				

Figure 1: Approved Staging and Floor Areas Source: Department of Planning Director-General's Assessment Report December 2008

It is noted that the Director-General's report at page 4 that the Project Application as approved for the VDC in January 2009 sought changes to the floor area allocations within each stage of the approved Concept Plan as a result of market changes.

The Department of Planning also sought clarification as part of the "test of adequacy" that the reference "PAD Site" in Stage 4 be removed and replaced with current wording as so remove any confusion with an archaeological reference which this did not indicate.

Action	No change required – refer to Revised Statement of Commitments
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2.3 ACCESS ROAD TO BAY AND BASIN LEISURE CENTRE

The SCC submission advises at p.3 and p.4:

Various road upgrades required in The Wool Road as a consequence of the ultimate VDC development were required to be provided as the development proceeds. The Modification No 2 proposes The Wool Road work be expedited based on the timing of the occupation of the VDC Stage 1. As a further consequence, the new access road to serve the Council's Bay and Basin Leisure Centre (BBLC) and the planned future community facilities adjacent to the north of the BBLC is to be expedited in line with the other works in The Wool Road. It is noted that part of the overall requirements of the Departments approvals include the expected future road closure of the existing road access to the BBLC at the same timeframe for occupation of the VDC Stage 1.



The process for a road closure under the Roads Act 1993 has not been commenced and will be the subject of future negotiations between Council and Fabcot. Council must give consent to the closure of this local road. Council has resolved on 24 August 2010 to continue discussions with Fabcot and Government agencies to achieve an outcome, with Council's preferred outcome to be a new road access from The Wool Road intersection and following the west side of the common boundary and linking with the existing point of access to the BBLC car park.

This issue has been reported to Council and a copy of the Council Report and Councils resolution is contained in Appendix 2.

The current approval refers to Intersection D (being on The Wool Road and providing access to the new VDC car park) and Access E (being a new access from The Wool Road leading to the Bay and Basin Leisure Centre precinct).

The new intersections D and E and the existing access the BBLC are integral and must be carried out concurrently due to the proximity and need to maintain safety for traffic along this part of The Wool Road. It is not considered practical to only provide access D in isolation to achieving other access approvals.

A significant impact arises with the Mod 2 proposal to deliver a larger Stage 1 (22600m² floor area) because this requires that Access D be designed and constructed before occupation of VDC Stage 1, since the vehicle movements for the car park is unable to only utilise Moona Creek Road for entry/exit.

The existing access to the BBLC is contained within a local road under the ownership of Council and Council does not consent to its closure under the provisions of the Roads Act 1993 unless there are satisfactory provisions of an alternate access.

The design of a new road formation must take into account the constraints of the existing infrastructure in easements that exist and the final width necessary for two way movements and three lanes closer to the Wool Road (similar to Cardno drawing 1010) will determine the reserve configuration. Council has provided comments on preliminary road designs that will be the subject of future consideration and referral to the Roads and Traffic Authority before determination and approvals are issued.

*It is considered that the issues presented for the new Intersection E and the access road to the BBLC precinct must be resolved and the work done and completed before the occupation of VDC Stage 1. Should the Department enable the new access D while the future of the existing BBLC access road remains and issues for the new access remain unresolved a critical traffic safety issue for those using this part of The Wool Road will result. **Council considers the traffic safety issues for this part of The Wool Road cannot be underestimated or ignored.***

Fabcot is agreeable to continue negotiations with Council and has proposed a two step solution to enable the VDC to be operational and work with Council to facilitate a new



access to the Bay and Basin Leisure Centre (BBLC) with ultimately the closure of the existing BBLC access road.

In this regard, Fabcot proposes a temporary access to operate from the time that the VDC Intersection D becomes operational until such time as Intersection E is completed and provides a new access to the Leisure Centre which will allow the existing access to be removed. This process will require SCC to obtain an approval for the works they propose on the BBLC land and once approved the “extended” new access road from Intersection E to the BBLC site may form part of that approval and Intersection D can be fully implemented as an operational intersection.

In this regard, Halcrow have considered three options in their report titled “Vincentia District Centre Proposed Temporary Access” dated 30 September 2010, which can be found at **Appendix C**, including:

Option 1:

- *Intersection D signalised and all movements allowed; and*
- *Leisure Centre access right turn into the access not permitted but all other movements permitted.*
- *See Appendices A1 and A2.*

Option 2:

- *Intersection D signalised and but right turns in not permitted; and*
- *All movements permitted at Leisure Centre access.*
- *See Appendices B1 and B2.*

Option 3:

- *Similar to Option 2 but a full “seagull” type intersection provided at the Leisure Centre access.*
- *See Appendices C1 and C2.*

It should be noted that for the Leisure Centre access, the layout sketches show an additional intersection leg opposite the Leisure Centre access labled RTSB merge. This stands for Right Turn South Bound merge and is a dummy approach added into the SIDRA model to take into account extra delay to vehicles turning right out of the Leisure Centre access when they merge with southbound traffic in The Wool Road.

This procedure to analyse “seagull” type intersections is in accordance with advice from the authors of the SIDRA analysis program.

In preparing these options, Halcrow had regard to the following;



1. The need to signalise Access D in order to allow trucks to turn right out of it into The Wool Road.
2. The proximity of the Naval College Road roundabout which could potentially allow right turns into either Access D or the existing Leisure Centre access to be restricted, and
3. The proximity of the Leisure Centre access to Access D with implications for queuing between the two and for possible weaving complications between vehicles turning right into Access D and right out of the Leisure Centre access.

Halcrow have advised and recommended:

...

For Option 3 with a full “seagull” access to/from the Leisure Centre intersection all vehicles turning right out of the Leisure Centre access would do so in stages i.e. first right across the northbound traffic and then a merge with the southbound traffic.

Table 1 summarises the results of the analysis with more detailed results provided in Appendices to this memorandum. Table 1 indicates that theoretically each option would operate satisfactorily as a temporary option. However the analysis does not take into account the weaving conflict between vehicles turning right out of the Leisure Centre and right into Access D. In addition Option 3 would more safely accommodate right turns out of the Leisure Centre as it would afford more storage in the median of The Wool Road. It would also avoid any potential queue back issues during infrequent occasions when the number of vehicles wanting to turn right into Access D may exceed the available storage capacity that would be provided.

Table 1: Results of Option analysis

Intersection	Control	Thursday PM		Saturday		
		LoS	Av. Delay	LoS	Av. Delay	
Option 1 - No RT Leisure Centre						
Access Rd D / The Wool Rd	Signals	B	14.6	B	15.1	
Leisure Centre Access / The Wool Rd	Give Way	D	55.2	C	33.1	
Option 2 - RT Leisure Centre						
Access Rd D / The Wool Rd	Signals	A	11.8	A	11.6	
Leisure Centre Access / The Wool Rd	Give Way	D	55.1	C	33.1	
Option 3 - Seagull						
Leisure Centre Access / The Wool Rd	Option 1	Give Way	B	22.1	B	20.7
	Option 2	Give Way	B	22.1	B	20.7

Note: 1. LoS = Level of Service

LoS A = Excellent, LoS F = Capacity exceeded, Lowest desirable LoS = LoS D

Ave delay = Average delay per vehicle in seconds per vehicle.

For signalised intersections applies to aggregate of all movements. For roundabouts and priority intersection applies to the most disadvantaged movement.

...



Figure 2: Extract Options Analysis Results

Source: Halcrow Proposed Temporary

Access September 2010

Based on the above analysis and considerations we recommend Option 3 as the most appropriate option for temporary access to the Leisure Centre.

The temporary access arrangements for The Wool Road are referred to in the drawings prepared by Cardno as Stage 1A, with the full upgrade works for The Wool Road inclusive of the new access to the BBLC known as Stage 1B.

Fabcot wish to adopt a short and long term solution as their Preferred Project Report position and have amended the Revised Statement of Commitments and conditions accordingly.

<p>Action</p>	<p>Commitment 28:</p> <p>Fabcot will design and construct the works proposed in The Wool Road in two stages. Stage 1A will involve temporary works to the existing intersection of the Bay and Basin Leisure Centre access road at The Wool Road as shown in Appendix C by Cardno.</p> <p>Fabcot will design and construct the signalised intersection of The Wool Road, the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School as Stage 1B in accordance with the intersection configuration as shown in Appendix C by Cardno.</p> <p>All preliminary environmental investigations, reports, approvals and all other approvals required by the authorities prior to allowing construction of the Bay and Basin Leisure Centre access over Council's land will be at nil cost to Fabcot.</p> <p>Timing:</p> <p>Fabcot will commence construction of Stage 1B works in The Wool Road and adjacent land within 12 months of the issue of a Construction Certificate for the new access road to the Bay and Basin Leisure Centre.</p>
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	<p>Commitment 29:</p> <p>Fabcot will design and upgrade The Wool Road to four lanes from the roundabout at Naval College Road to the intersection with the access road to the Bay and Basin Leisure Centre and the access to the Vincentia High School to Naval College Road (Access E).</p> <p>Timing:</p> <p>Fabcot will commence construction of the signalisation works within 12 months of the issue of a Construction Certificate for the new access road to the Bay and Basin Leisure Centre.</p> <p>Commitment 31:</p> <p>Fabcot will design and construct the intersection at Access D along The Wool Road in two stages shown as temporary solution Stage 1A and final solution Stage 1B, including the approach and departure as shown in Appendix C by Cardno.</p> <p>Timing:</p> <p>Fabcot will commence construction of the signalisation works within 12 months of the issue of a Construction Certificate for the new access road to the Bay and Basin Leisure Centre.</p>
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2.4 LIBRARY

SCC has advised:

Council does not object to the library being incorporated into future Stage 2 and does not require the use of the Stage 1 commercial floor area for provision of a temporary library. Council will continue negotiations with Fabcot concerning the arrangements and tenure for the provision of a library in accordance with Councils adopted Community Strategy and Library Report reviews.

Fabcot will continue negotiations with SCC.



Action	No action required.
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2.5 CAR PARKING AND DELIVERY VEHICLE MOVEMENTS

2.5.1 Upgrade to Moona Creek Road

The SCC submission raises a number of issues associated with Moona Creek Road.

The proponent specifically does not seek any changes in Mod 2 to the approved design of Moona Creek Road as granted in the original Project Application No. 06_0205 for the VDC. In addition, the matters raised by Council have been addressed in advice from Halcrow as follows:

- *Between Moona creek Road and the south car park access – provide two lanes each way: agreed. Cardno advise that this configuration has been provided for in Stocklands road design*
- *As above provide a median and a pedestrian fence on a central median: not agreed. The number of pedestrians that might seek to cross this section of road would be negligible as there is no significant pedestrian desire line across it. A median is proposed but a fence is unnecessary. Refer Cardno drawings approved in original project approval*
- *Moona Creek Road/S Carpark access intersection; make all exiting traffic turn left out. Not necessary as the vast majority of traffic would turn left out anyway. Analysis indicates that the small amount of traffic that would turn right out would not experience long delays and this is how the previous scheme was approved.*

Notwithstanding this, if delays to vehicles turning right out of the car park were on occasion long, drivers wishing to make a right turn would be able to voluntarily turn left out and then u-turn at the roundabout at the intersection of Naval College Road and Moona Creek Road.

- *Moona Creek Road between S Carpark access and Halloran Street – single traffic lane in each direction plus a 2m wide median: The approved plan provides a 0.8m wide median which is considered sufficient. Refer Cardno drawings approved in original project approval*
- *Moona Creek Road/Halloran Street intersection provide a 16m radius roundabout suitable for turning large rigid buses: Analysis indicates that a roundabout is not needed at this intersection as it will work satisfactorily as a priority intersection. It is proposed that buses be able to u-turn at the roundabout proposed for the Moona Creek Road/North Car Park access intersection.*
- *Moona Creek Road between Halloran Street and the northern [called eastern] car park access roundabout. Provide a 2m wide median and change 90° car parking to 45°: A 0.8m wide median was previously approved. 60° car parking was previously approved. Refer Cardno drawings approved in original project approval*

2.5.2 Car Parking – Numbers and Layout



The SCC submission raises a number of issues associated with car parking numbers and layout. The matters raised by Council have been addressed in advice from Halcrow as follows:

It is proposed that the amount of car parking provided for the development be in accordance with Shoalhaven Council's Development Control plan. This would most appropriately be covered by a condition of consent. In relation to proposed parking on Moona Creek Road the following responses to Council's concerns are made:

- Angle parking would be designed to comply with the Australian Standard for on-street car parking. This provides for road widening adjacent to such parking so that manoeuvring could in part take place in the widened area between the through traffic lane and the actual parking bays.*
- Accordingly such parking would be safe.*
- As there would be no other potential uses of this car parking there is no reason why it should not be counted as part of the provision for the shopping centre. If provided, it will be used by shoppers and for the commercial space fronting the development and would accordingly reduce the need for on-site car parking, and*
- To the extent that the proposed car parking was provided on Moona Creek Road, it would add life and activity to the frontage of the shopping centre in line with the aspiration that accompanied the design competition modification to the original concept plan for the site.*



- *Car Parking Layout*

Layout of car parking for people with disability to comply with AS2890.6-2009: Agreed.

- *Car Parking numbers*

See above.

2.5.3 Provision for long vehicles

The SCC submission raises a number of issues associated with long vehicles. The matters raised by Council have been addressed in advice from Halcrow as follows:

Provision for long vehicle parking has been made and is adequate.

2.5.4 Continuation of Aggregate Car Parking during Stage 2 Construction

The SCC submission raises a number of issues associated with continuation of aggregate car parking during stage 2 construction. The matters raised by Council have been addressed in advice from Halcrow as follows:

It is acknowledged that new temporary car parking should be provided at such time as the stage 2 building works take place in the stage 1 interim northern car park site.

Prior to the commencement of construction there will be a proper indication of the actual requirements for parking on the site. This will provide a guide as to how much temporary car parking should be provided during the construction process. This parking should also include the needs of the construction workforce. To address this the following conditions of consent should be considered:

“Prior to the issue of a construction certificate for any part of the stage 2 works a traffic and parking construction management plan shall be prepared by a suitably qualified person and provided to the principal certifier. The proposed temporary parking provision shall be determined on the basis of actual peak seasonal parking patterns on the site or if not available in accordance with Shoalhaven Council DCP requirements for the amount of retail floor space that would be operational during the construction process.”

2.5.5 Loading Bays and Delivery Vehicles

The SCC submission raises a number of issues associated with loading bays and delivery vehicles. The matters raised by Council have been addressed in advice from Halcrow as follows:



Agreed the final check on the adequacy of service vehicles manoeuvring should be conducted prior to the issue of a CC for building works.

Extensive turning path checks have already been conducted by Halcrow, sufficient to demonstrate that satisfactory vehicle manoeuvring will be possible.

As such, Fabcot has amended the conditions and Revised Statement of Commitments.

<p>Action</p>	<p>Insert at end of Condition 2.1 the following:</p> <p>(i) Prior to the issue of a construction certificate for any part of the stage 2 works, a traffic and parking construction management plan shall be prepared by a suitably qualified person and provided to the principal certifier. The proposed temporary parking provision shall be determined on the basis of actual peak seasonal parking patterns on the site or if not available in accordance with Shoalhaven Council DCP requirements for the amount of retail floor space that would be operational during the construction process; and</p> <p>Insert at the end of Condition 2.26:</p> <p>Manoeuvring of service vehicle swept paths shall be checked.</p>
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2.6 ACOUSTIC CONTROLS

The matters raised in the submission from SCC has already been addressed in the approval granted by the Minister for the Bayswater Retirement Village (MP08_0096) which required an 88B Instrument over the Bayswater Retirement Village Site which is currently under construction.

The revised noise report prepared by Heggies which can be found at **Appendix H of the EA** has addressed the issues raised by Council. Heggies have advised in relation to the matters raised:

The nearest receivers are located adjacent to and west of Moona Creek Road. These are part of the Stockland residential development. The nearest existing receiver is west of the Moona Creek Road and Naval College intersection, being approximately 45 m from the intersection.



Heggies report 10-3015-R3 has been updated to reflect the retirement living has been approved. It is also noted that there is a separate noise assessment for the Retirement Living Village and the Director-General's Environment Assessment Report recognises the Proponent has committed to an acoustic wall to mitigate noise from traffic.

The nearest dwellings to the DDS, being adjacent to and west of Moona Creek Road have been included in the assessment.

Appendix A of report 10-3015-R3 is the 'Acoustic Terminology used in the Report. It is assumed the matter refers to the Site Plan of Appendix B, which has been updated.

Project Application MP08_0096 for the Bayswater Retirement Village is not proposed to be modified by this Modification. It is noted that a condition was imposed on this Project Application approval which requires a Section 88B Instrument over the Bayswater Retirement Village site. Stockland are implementing those conditions as part of their development and have advised via email dated 15 June 2010: Retirement living project approval has been granted. Location is directly north of Stage 2 as per the plan attached. Yes, the acoustic treatments on the affected lots have been included in the Stage 2 88b.

The issue of the adjoining property was been detailed at page 20 of the Director-General's Environmental Assessment report dated January 2009 for MP08_0096, and advised in relation to noise:

The Proponent has identified several exceedances of the LAeq noise criteria generated from the proposed Vincentia District Town Centre during the day and night time periods. This is largely attributable to noise generated from traffic entering and exiting the northern access to the proposed District Centre. To mitigate these impacts, the Proponent commits to the provision of an acoustic wall (approximately 1.8 metres in height) along the Moona Creek Road frontage to be constructed from the south-west corner of the RLV site terminating north of the roundabout with Moona Creek Road and south of ILU 75 (SoC item 37).

In its assessment of the project application, the Department sought clarification of the likely reduction in noise levels that would be achieved through provision of the acoustic wall. In response, the Proponent confirmed that the noise reduction will be in the order of 6dBA to comply with the noise criteria. In order to ensure the noise impacts to dwelling is minimised upfront, a condition of approval is recommended to ensure the noise wall is constructed prior to the occupation of the affected dwellings.

Noise impacts specific to the proposed District Centre (mechanical plant and loading docks) are considered as part of the Department's assessment of the project application for Stage 1 of the Vincentia District Town Centre (MP 06_0025).

The acoustic wall and 88B Instrument is to be implemented by Stockland as part of the Bayswater Retirement Village approval.

The Heggies report recommends the same types of mitigation measures for the development during the construction phase as previously granted approval for the original Project Application for the VDC and that the development when operation will have similar



impacts as that assessed previously for the overall development. It is noted that Mod 2 does not seek to alter the approved hours of trade and operation of the VDC, which were described at p. 14 of the EA Report prepared by Don Fox (extract below) and were subsequently assessed as being acceptable:

Whilst the core hours of the District Centre and the extended hours proposed by Woolworths and Aldi include evening trading, use of the loading docks will be limited by District Centre management such that deliveries will not be allowed into the District Centre between the hours of 10.00pm and 7.00am the following day. A comparison of the trading hours of other centres and supermarkets in Nowra with those of the Vincentia District Centre is discussed in Section 6.13 of this EAR.

As such, the statement of commitments and conditions which applied to the original Project Application Approval for the VDC are not sought to be amended.

Action	No action required.
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2.7 LANDSCAPING

The SCC submission raises a number of issues associated with landscaping. The matters raised by Council have been addressed in advice from Site Image – refer to **Appendix D**, as follows:

1) Buffer Planting along Naval College and The Wool Road:

It is considered imperative that the development has an effective screen/buffer planting adjacent to these 2 main roads.

i) There is no screen planting shown adjacent to the 2nd stage car park. This is not acceptable on this prominent corner of the development. It is unclear if the existing buffer is to be removed or retained.

Site Image Response: All existing bushland in this area is to be retained and protected where possible to accommodate the development works. This existing bushland forms part of this buffer with additional buffer planting being installed where appropriate to reinforce the buffer.

ii) If overhead wires are present the mature height of any plantings should not exceed should not exceed 4 metres. If there are no overhead wires present the proposed Native Buffer Planting Tree Mix is acceptable.

Site Image Response: The Buffer planting in this area and throughout the site will comply with Integral Energy Standards where necessary.

iii) Overhead wires should be placed underground where possible to reduce the visual impact/dominance of this utility. The recently installed power lines at the Bayswood entrance detract from the development and have affected the natural amenity of Naval College Road.



Site Image Response: No comment, refer cardno response

2) It is important to install Root Barrier adjacent to all paths and kerbs (ie medians) where trees are proposed. This is noted in condition 2.37.

Site Image Response: A root barrier has been specified to proposed trees adjacent to paths and kerbs where necessary.

3) Ecological Sustainable Development (ESD) principals should be considered in relation to the design and construction and choice of materials for the timber boardwalk. Council recommends that all timbers be either plantation timbers, timbers from a sustainable source or recycled timber/plastic products (such as 'Modwood' or similar).

Site Image Response: we confirm timbers used will be either plantation timbers, timbers from a sustainable source or recycled timber products'

There is no indication of what material the 'Bike Track' is constructed of.

Site Image Response: The bike path is Decomposed Granite minimum 2m wide and also as a Concrete path minimum 2m wide.

Council would prefer the path to be a 'Shared User Path' (minimum of 2m wide) to connect with the network of shared paths within the immediate surrounds of the development and to be constructed of concrete or similar low maintenance materials when located in part of the road reserve. The Shared User Path should comply with Austroads – Guide to Road Design part 6a: Pedestrian and Cyclist Paths 2009.

Site Image Response: The Shared user path shall conform to the standards where achievable.

Action	No change required to statement of commitments.
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2.8 STORMWATER AND WSUD FACILITIES

The SCC submission raises a number of issues associated with stormwater and WSUD facilities. The matters raised by Council have been addressed in advice from Cardno – refer to **Appendix C**, as follows:

*As stated above in Section 1.0, above; "The applicant has forwarded preliminary drawings prepared by Cardno Forbes Rigby (Cardno), engineering consultants, in respect of drainage proposals. The drawings are 46701 to 46711 and 46720 to 46722 (all are Revision P1). These have been used to assist parts of the council's submission, **but are not such that are approved in this form by Council.** "*

Cardno Response: It is unclear what this statement is suggesting. The plans submitted by Cardno are to support the application for the MarketPlace Civil works. These plans are to be approved by DoP as part of the Project Approval. We understand that further details will



need to be provided and approved by Council or PC prior to commencement of construction in the CC application.

It is noted that it is proposed to direct stormwater from the southern side of Naval College Road (Culvert CIV 3) into the car park bioswales. There are comments in Section 5.2(a) concerning the car parking spaced adjacent to the east-west boardwalk / drainage. The design safety of the pond wetlands should be considered in the overall civil designs. The stormwater and WUSD detailed plans will be considered at Construction Certificate stage.

Cardno Response: This is correct and therefore no further details are required at this time.

2.9 TRAFFIC, ACCESS, ROADS AND WORKS IN THE WOOL ROAD

2.9.1 Masson Wilson Twiney (MWT) – 3 October 2008 report

The issues raised by Council are in relation to the original determination made by the minister for the VDC and are not relevant to the current Mod 2. Halcrow have advised:

The council assessment is difficult to follow and contradicts the basis of the original Project Application and Concept Plan consent which was based on the MWT traffic analysis and forecasting reports of 2006, there being no other traffic analysis available at the time.

The assessment seeks to revisit a number of issues that were discussed at length previously e.g. the suggested use of Stockland Nowra Shopping centre traffic generation rates when such a comparison is totally inappropriate because:

- The trade area and demographics of the Bays and Basin area are totally different to that of Nowra, and*
- The Stockland Nowra shopping centre was demonstrably over trading given the approval for a major new shopping centre in Nowra.*

The council's estimation of Saturday traffic on the MWT Thursday forecast is not appropriate as it ignores the different traffic generation characteristics of the proposed shopping centre on a Thursday evening and on a Saturday morning. Further no rationale is given why the Saturday flows were scaled up based on council's surveyed relativities of Saturday and Thursday traffic flows rather than the Thursday flows being scaled down.

Also while council officer's have verbally agreed that forecast population growth for the Bays and Basin area has been significantly reduced since the original MWT traffic analysis was undertaken, the council submission makes no allowance for the consequential reduction in background traffic growth that would result.

Thus the council officers analysis outlines what we consider to be unduly high upside risks to the traffic forecast while not taking into account the very real countervailing down side effects of reduced population growth and consequential reduced shopper traffic.

Notwithstanding these differences with the council analysis, the previous consent requires the applicant to agree designs for intersection on The Wool Road with the Council and accordingly differences in relation to design traffic volumes would most appropriately be



resolved as part of the design process. They do not need to be resolved as part of the Project Application consent process.

Action	No change required to statement of commitments.
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2.9.2 New Intersection E

The issues raised by Council have been addressed at 2.3 of this report.

Action	As detailed in 2.3.
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2.9.3 Access to Vincentia High School - Intersection E

The issues raised by Council have been addressed at 2.3 of this report.

Action	As detailed in 2.3.
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2.9.4 New Intersection D – The Wool Road

The issues raised by Council have been addressed at 2.3 of this report.

Action	As detailed in 2.3.
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2.9.5 Council SIDRA Analysis

The issues raised by Council have been addressed above by Halcrow and at 2.3 of this report.

Action	As detailed in 2.3.
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2.10 PEDESTRIAN PATHWAYS AND FACILITIES

Halcrow have advised that such an outcome would be desirable but not essential. Fabcot notes that the original design and Statement of Commitments did not provide for this outcome and this modification does not seek to change this position.

Action	No change required to statement of commitments.
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2.11 WATER AND SEWER

The SCC submission raises a number of issues associated with water and sewer. The matters raised by Council have been addressed in advice from Donnelley Simpson and Cleary – refer to **Appendix E**, as follows:

1. Sewer main/s to be extended to serve the whole development, more than 1 extension of the sewerage system may be permissible after consultation with Shoalhaven Waters Planning and Development Section



DSC Response: We understand the point for connection of the sewer line has already been provided for the property.

2. Sewer junction connection shall be made available to service the whole development. Shoalhaven Water shall determine whether more than one junction connection point may be granted to serve the overall development.

DSC Response: We understand the point for connection of the sewer line has already been provided for the property as part of the external infrastructure. This is as documented on work as executed drawings from Alan Price and Associates Drawing No 23507-0 7 sheet 2

3. Applicant to submit plans and sizing calculations for the necessary metered service to support the development. The cost for the connection and meter assembly shall be at the full cost of the developer.

DSC Response: These calculations will be provided as part of the ongoing design process

4. Payment of Developer Charges (Section 64 — Water Supply charges and Sewer charges) in relation to the proposal are applicable. The current Section 64 charges are:

Water Supply \$6,200.00/ET (2010/11). and

Sewer Services \$7,860.00/ET (2010/11).

It is estimated that the development will increase demand in excess of 70 ET's for both stages.

DSC Response: This information will be provided as part of the ongoing design process

5. Comply with the requirements of Council's Tradewaste Policy.

DSC Response: The requirements for Tradewaste have been discussed and an application is being reviewed in compliance with Shoalhaven Water's requirements. The information will be provided as part of the ongoing design process.

6. Comply with the requirement of Council's Backflow Prevention Policy.

DSC Response: The requirements for backflow prevention have been discussed with Shoalhaven Water and the design will be compliant with the requirements of AS3500. 1. This information will be provided as part of the ongoing design process

7. Any proposed sewer connection point/main that is within close proximity to the proposed development will need to comply with Council's Policy for Building Over Sewer.

DSC Response: This issue has no impact on the current proposal

8. Road works associated with the development will have an impact on Shoalhaven Water's sewer and water assets, all plans and specifications of proposed works shall be



submitted to Shoalhaven Water for determination and all works are to be constructed in accordance with Shoalhaven Water's requirements.

DSC Response: This issue has should be reviewed and commented on by civil and traffic consultants.

9. Works associated with the proposed road works adjacent to the Bay & Basin Leisure Centre will impact upon Shoalhaven Council's sewer easement.

Any proposed adjustment/alteration to the arrangement for the easement shall be requested in writing to the Director of Shoalhaven Water and Council's Property Section.

All existing rights/entitlements are to be retained within the easement with the exception of parts of the easement that are to be converted to public road reserve. Access along the route of the easement is to be retained and no structure, landscaping or land rehabilitation is to take place within the boundaries of the existing or modified easement without prior approval of Shoalhaven Water's Director.

DSC Response: This issue has should be reviewed and commented on by Civil Consultant, Surveyor and Architect

10. An Easement for Water Supply shall be created over the existing water main where it traverses private lands. Shoalhaven Water shall provide details of easement for water supply requirements upon submission of a plan by the applicant.

DSC Response: From information currently provided on the existing infrastructure we are unaware of any water mains in the property that will require an easement.

11. An easement for services shall be created over the water service line (which serves Council's sewage pumping station) where it traverses private lands. Currently located adjacent to the Bay & Basin Leisure Centre. Shoalhaven Water shall provide details of easement for services requirements upon submission of a plan by the applicant.

DSC Response: The easement requested in this item is passes through the land that forms pad of the overall site. This is not within the current development area. The easement will need to be address by the Surveyor if required

12. Detailed plans are to be submitted showing proposed floor areas as part of any application for a Certificate of Compliance under the Water Management Act 2000.

DSC Response: This information will be provided as the design is tinalised

It should be noted that this Development will have considerable impact on Shoathaven Water's infrastructure and it is extremely important that full consultation is undertaken and that the following process be full addressed.

DSC Response: Preliminaiy discussions have been undertaken with Shoalhaven Water's representatives during the preparation of the current design drawings, an example of this is



the sizing of the fire services tanks. We understand this approach will continue as the design develops.

It is noted that the Draft Statement of Commitments indicates at commitments 1, 23 and 39, the need for a Shoalhaven Water Compliance Certificate, water supply permit and sewer permit. It is not proposed to alter these commitments.

Action	No change required to statement of commitments.
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2.12 SECTION 94 CONTRIBUTIONS

Fabcot agrees that no additional Section 94 contributions are required over and above those resolved in the Concept Plan / Project Application approval and confirmed in the approved statements of commitment.

Action	No action required.
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2.13 PROPOSED STATEMENT OF COMMITMENTS

The matters raised by SCC regarding the Statement of Commitments have been addressed in the revised Statement of Commitments specifically to address the access issues to The Wool Road and the BBLC.

Action	Previously addressed under 2.3 above.
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3. VINCENTIA RATEPAYERS AND RESIDENTS ASSOCIATION SUBMISSION

3.1 PROPOSED ACCESS ROADS TO CENTRE

The VRRRA submission suggests using the existing BBLC access road for access into the site from The Wool Road. This option is not available due to the approval previously granted by the former DEWHA which requires the eventual removal of the BBLC access road so as the Environmental Zone (EZ) can be fully rehabilitated and due to limitations on further intrusions into the EZ land.

Action	No change required to statement of commitments.
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3.2 TRAFFIC

The VRRRA submission suggests upgrading of The Wool Road will not occur in Stage 1. This is not the case, Fabcot undertaken to upgrade The Wool Road and seeks to resolve the access issues from The Wool Road as part of this Mod 2 as included in the Revised statement of commitments and conditions.

Action	No change required to statement of commitments other than outlined in 2.3 above.
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3.3 LANDSCAPING

The VRRRA submission has requested the provision of buffer landscaping. The drawing information included in Mod 2 seeks the inclusion of buffer landscaping.

Action	No change required to statement of commitments.
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3.4 POWER POLES AND OVERHEAD POWERLINES

The VRRRA submission requests the undergrounding of all powerlines. Fabcot have no control over any of the infrastructure works regarding energy outside the boundaries of the site and these are the responsibility of Stockland. This Mod 2 does not seek any changes to the approved energy infrastructure works currently being undertaken by Stockland. All new power supplied into the site has already been planned to be underground, as was the case with the original Project Approval. The energy infrastructure improvements approved for the site and beyond the site as per the VCV approvals and the original VDC approval are not proposed to be altered in Mod 2 and therefore Mod 2 does not seek to alter these commitments.

Action	No change required to statement of commitments.
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3.5 BIKE TRACKS

The VRRRA submission requests that more design work be implemented for inclusion of bike tracks and that the underpass has “disappeared”. The underpass forms part of approvals now being implement by Stockland in the VCV and the Mod 2 does not seek any changes to the location of the approved bike track in the original VDC Project Application.

Action	No change required to statement of commitments.
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3.6 ENVIRONMENTAL ZONE

The VRRRA submission suggests that no one is responsible for the Environmental Zone (EZ). This is not the case Stockland through the VCV and VDC approvals committed to a number of responsibilities associated with the EZ, some of which as a result of the sale of the subject site to Fabcot have been transferred through the sales process and Fabcot are aware of their responsibilities as outlined in the EA. This Mod 2 does not seek to change any of these commitments.

Action	No change required to statement of commitments.
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3.7 COMMUNITY FACILITIES

The VRRRA suggest that Mod 2 does not seek approval for the usage of a library as part of the VDC. This is not the case. Fabcot offered a temporary location to SCC for a library as par tof Stage 1 should the need arise for the library and subject to negotiation on commercial terms were agreed. Council considered a report on the library in the locality in December 2009 which is detailed in the EA. This report indicated that Council did not need a library in the short term. Also, Fabcot inquired with Council if they had funds allocated to implement a library on-site in the next three years. Council's Management Plan does not allocate any forward funding for a library in the locality and Council staff advised in a meeting that no money will be allocated in the short term.

Fabcot seek approval for the designation of the floor space to be used as a library in the same location as approved originally for a library in this modification however this is proposed as part of Stage 2 works with an increased floor area when compared to the original approval.

Council has advised:

Council does not object to the library being incorporated into future Stage 2 and does not require the use of the Stage 1 commercial floor area for provision of a temporary library. Council will continue negotiations with Fabcot concerning the arrangements and tenure for the provision of a library in accordance with Councils adopted Community Strategy and Library Report reviews.



Action	No change required to statement of commitments.
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3.8 CORNER OF THE WOOL ROAD AND NAVAL COLLEGE ROAD

The VRRRA submission has raised an issue which has already been considered in the response to the Council's submission at 2.2 above.

Action	No change required to statement of commitments.
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4. CONCLUSION

The subject Modification to the Project Approval has been amended having regard to the access issues to The Wool Road, so as to provide for a short term and long term solution.

The provisions of Section 75W of the EP&A Act enable The Minister to approve the proposed changes to modify the approved Project Application and are based on the following:

- The modification will not radically alter the development from its approved form;
- 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 Wool Road;
- 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 1,400 square metres to off-set the delay in moving this from stage 1 to stage 2. A temporary library may be able to be accommodated within the proposed commercial floor space and this would be subject to further discussions with Council regarding commercial terms;
- 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; and
- 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 will be 32,000 square metres, which does not exceed the maximum previously approved and permitted of 32,000 square metres.



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.

The amendment to the approved Project Application seeks approval for both Stages 1 and 2 which 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.



APPENDIX A

Revised Statement of Commitments and Conditions



APPENDIX B

Proposed Temporary Access Report - Halcrow



APPENDIX C

Response to Shoalhaven City Council Interim Submission and Amended Civil Drawings for The Wool Road - Cardno





APPENDIX D

Response to Shoalhaven City Council Interim Submission – Site Image



APPENDIX E

Response to Shoalhaven City Council Interim Submission - DSC