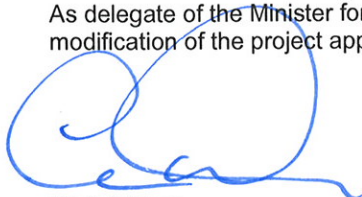


# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Chris Wilson  
Executive Director  
Major Projects Assessment

Sydney

15 March

2011.

### SCHEDULE 1

#### Project Approval:

06\_0025 granted by the Minister for Planning on 7 January 2009 as amended by modification approval granted on 10 April 2009

#### For the following:

A Project Application for:

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

#### Modification:

Modification of the project approvals for:

- site preparation works (including earthworks and vegetation clearing) associated with the Stage 1 and Stage 2 footprint;
- subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;
- Stage 1 approximately 22,600sqm of gross floor area, comprising 20,880sqm of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, speciality retail outlets inclusive of kiosks and mini/major retail outlets and 1,720sqm of commercial gross floor area, centre management and amenities, and Stage 2 approximately 9,400sqm of gross floor area comprising 7,669sqm of gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini/major retail outlet) and 1,731sqm of gross floor area of community space including use for a library and amenities) being a total gross floor area for the centre of 32,000sqm.

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

## SCHEDULE 2

The Project Approval is modified by:

**1. Delete Part A, Schedule 1 and replace it with:**

**Table A1**

<b>Proponent:</b>	Fabcot Pty Limited
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	06_0025
<b>On land comprising:</b>	Lot 177 DP 1123782, Lot 801 DP 1022286, Lots 2 and 3 DP 1118806, and Lots 72 and 73 DP 874040
<b>Local Government Area:</b>	Shoalhaven City Council
<b>Approval in summary for:</b>	Stages 1 and 2 of the Vincentia District Town Centre
<b>Capital Investment Value:</b>	\$80 million
<b>Type of development:</b>	Project approval under Part 3A of the Act
<b>Determination:</b>	Project approval is granted subject to the conditions in the attached Schedule 2.

**2. Delete condition 1.1 in Schedule 2 and replace it with:**

- 1.1 Project approval is granted for the carrying out of Stage 1 and Stage 2 of the Vincentia District Centre comprising:
- a) site preparation works (including earthworks and vegetation clearing) associated with Stage 1 and Stage 2;
  - b) subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;
  - c) Stage 1 approximately 22,600m<sup>2</sup> of gross floor area, comprising 20,880m<sup>2</sup> of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, speciality retail outlets inclusive of kiosks and mini/major retail outlets and 1,720m<sup>2</sup> of commercial gross floor area, centre management and amenities and Stage 2 approximately 9,400m<sup>2</sup> of gross floor area comprising 7,669m<sup>2</sup> of gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini/major retail outlet) and 1,731m<sup>2</sup> of gross floor area of community space including use for a library and amenities) being a total gross floor area for the centre of 32,000m<sup>2</sup>;
  - d) fit out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths;
  - e) roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, The Wool Road, external road works, footpaths and open space areas);
  - f) a minimum of 949 car parking spaces are to be provided in Stage 1 and a minimum of 1307 car parking spaces are to be provided at

- the completion of Stage 2, along with loading docks and trolley storage;
- g) provision of infrastructure for water, sewerage, electricity and telecommunications;
- h) water sensitive urban design; and
- i) associated works and road works.

No approval is given for those areas identified as 'Future Development sites' on the Phasing Plan DA103 Rev S dated 1 October 2010. Any development in this part of the site is to be the subject of a separate application.

**3. Amend Condition 1.2 by adding the following words immediately after subclause 1.2(b):**

(c) As amended by *Environmental Assessment Report – Modification of Project Application Vincentia District Centre* dated September 2010 prepared by The Planning Group, and

(d) As amended by the *Preferred Project Report and Response to Submissions Report* dated October 2010 prepared by The Planning Group.

**4. Delete condition 1.3 and replace it with the following:**

1.3 In the event of an inconsistency between:

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

**5. Amend condition 2.1 by adding the following words immediately after subclause 2.1(h):**

(i) include a traffic and parking management plan which clearly describes the methods proposed to be employed to separate shopper and pedestrian traffic associated with the operation of Stage 1 from the construction traffic associated with the construction of Stage 2 of the District Centre, prior to the issue of the Construction certificate for Stage 2 works.

**6. Delete the words "Access to the subject site shall be through the intersection of Moona Creek Road with naval College Road" from condition 2.2.**

**7. Delete Condition 2.5 and replace with the following:**

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

**8. Insert new condition 2.12A immediately after condition 2.12 as follows:**

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

**9. Delete condition 2.14 and replace it with the following:**

2.14 The new bay and basin Leisure centre (BBLC) access road shall be constructed in conjunction with the approved road upgrade works to The Wool Road and shall commence within 2 months of receipt of the Construction Certificate for the new access road works. Approval is granted for the design of the access road as shown in the Cardno drawing Project No. 104016 Com. No. 39 drawing No. 1205 Rev P1, or any modification to this design agreed to by both Shoalhaven Council and Fabcot.

**10. Delete Condition 2.15 and replace it with the following:**

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

The design is to be in accordance with the following drawings prepared by Cardno or as amended by Council: drawings numbered 1101 – 1105 all dated 1 June and all Rev. P1, and drawings numbered 1201 – 1204 all dated 1 June and all Rev. PO. None of these road works are to encroach into the 'Environmental Zone' and if necessary the design is to be amended to ensure this outcome. The works described as Stage 1A in the abovementioned plans are to be completed prior to the issuing of an Occupation certificate for Stage 1, and the construction of the works described as Stage 1B are to commence within 2 months of the issue of a Construction certificate for those works.

**11. Delete condition 2.24 and replace it with the following:**

2.24 A minimum of 12 car and trailer parking spaces are to be line marked in the southern car parking area for Stage 1 of the District Centre. These spaces shall be suitably sign posted and provided in a drive through configuration. They are to be permanent and are not to be relocated as part of the parking reconfiguration required for Stage 2. Each of these car and trailer spaces may be counted as two car parking spaces for the purpose of compliance with condition 1.1(f).

**12. Delete condition 2.25 and replace it with the following:**

2.25 A minimum of 2 car parking bays within the southern car park are to be identified as short stay pick-up/drop off car parking bays. These are to be permanently located in the southern car park.

**13. Amend condition 2.26 by adding the following words after the words "...19 metre semi-trailers":**

Plans clearly illustrating the swept paths for all 19m semi trailers using the loading docks are to be provided to Council prior to the issuing of a Construction Certificate for Stage 1 of the District Centre. In addition, no

loading docks are to be used between the hours of 10pm and 7am on any day.

**14. Amend condition 2.33 by adding the following paragraph immediately after the words “required noise attenuation”:**

The proponent is to undertake further acoustic analysis during the detailed design stage of Stage 1 of the District Centre to ensure that noise emissions from mechanical plant are reduced to at least 5dBA below the night time noise criterion as concluded in the Noise Impact Assessment Report prepared by Heggies Pty Ltd dated June 2010. This assessment is to involve consideration of noise control measures such as the use of ‘quiet plant’ and acoustic enclosures.

**15. Insert new condition 2.41 and heading after condition 2.40 as follows:**

**Advertising Signage**

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

**16. Insert new condition 2.42 immediately after new condition 2.41 as follows:**

**Environmental Zone Rehabilitation Works.**

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

**17. Insert new condition 2.43 immediately after new condition 2.42 as follows:**

**Library Space in Stage 1**

2.43 The proponent is to identify a 1,400sqm area within Stage 1 that is suitable for use as a library. The lease of this space is to be offered to Shoalhaven City Council, with the terms and conditions for the use of this space to be negotiated between those parties. Council are to confirm within 6 months of the date of this approval whether they intend to lease this space. Should Council choose to not lease this space in Stage 1, a corresponding area in Stage 2 is to be made available, with terms and conditions to be agreed between the parties. Should Council choose to not use the 1,400sqm in Stage 1 this space may be leased to another tenant.

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