



Planning

***MODIFICATION REQUEST:  
VINCENTIA DISTRICT CENTRE  
Cnr Naval College Road and The Wool  
Road, Vincentia***

***Description of Modification Request***

This application seeks approval for the reversing of the approved staging of the construction of the Vincentia District Centre, Project Approval for both Stages, and associated works related to the size and content of each stage, loading, car parking and manoeuvring areas, landscaped areas and access roads.

Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*  
March 2011

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*NSW Government  
Department of Planning  
February 2011*

## 1.0 EXECUTIVE SUMMARY

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The District Centre at Vincentia which is the subject of this modification application formed part of the Concept Plan for a district shopping centre, a residential subdivision and adaptable housing (MP 06\_0060) which was approved by the Minister on 25 January 2007. The approved District Centre 32,000 square metres (sqm) of floor space which was to be constructed in two stages, with a future Stage 3 containing a bulky goods development located adjacent to the intersection of Naval College Road and The Wool Road.

On 7 January 2009, the Minister granted Project Approval 06\_0025 for Stage 1 of this District Centre which contained approximately 14,000 sqm of floor area. This approval included a variety of uses including supermarkets, specialty shops, and a library, and also reconfigured the staging such that the District Centre was now to be built in three stages, and the bulky good site was now to be Stage 4. Under this approval Stage 1 was located at the northern end of the site, Stage 2 was located immediately south of Stage 1, Stage 3 adjoined Stage 2 to the east, and Stage 4 occupied the same position as the original Stage 3.

The proposed modification was submitted to the Director-General on 12 August 2010 by The Planning Group Pty Ltd (TPG) on behalf of Fabcot Pty Ltd, a wholly owned subsidiary of Woolworths Limited. It is the second modification application received by the Department relating to the District Centre. The first application sought the deletion of two conditions relating to the creation of an underpass beneath Naval College Road which would link the District Centre to the adjoining Anglican School site. That application was approved by the Department on 10 April 2009.

This modification primarily proposes altering the size and staging sequence of the construction of the District Centre so that Stage 1 is now closest to Naval College Road and comprising approximately 22,600 sqm of floor area, while Stage 2 will be in the northern corner of the site and will comprise approximately 9,400 sqm of floor area. Arrangements for access, car parking, manoeuvring and loading have all been altered to reflect the new staging.

Submissions were received from Shoalhaven Council and two residents' associations. Concerns were raised about the new access road to the Bay and Basin Leisure Centre (BBLC), delaying the library until Stage 2, timing of works in The Wool Road, aspects of the design of Moona Creek Road, the adequacy of the car parking and manoeuvring, and aspects of the landscaping. In its second submission Council raised concerns regarding the timing of the construction of the new access road to the Bay and Basin Leisure Centre (BBLC), the provision of a library in Stage 2 and not Stage 1 as originally expected, aspects of the design of Moona Creek Road, the design of the car parking and manoeuvring areas, acoustic impact on nearby residential properties, and the adequacy of perimeter landscaping.

The Department has formed the view that the proposed modifications are acceptable subject to the provision of 1,400 sqm of floor area in Stage 1 capable of being used as a library and the satisfactory road upgrading works in The Wool Road being undertaken. A number of conditions have been amended and new conditions added to the approval to ameliorate the anticipated environmental impact.

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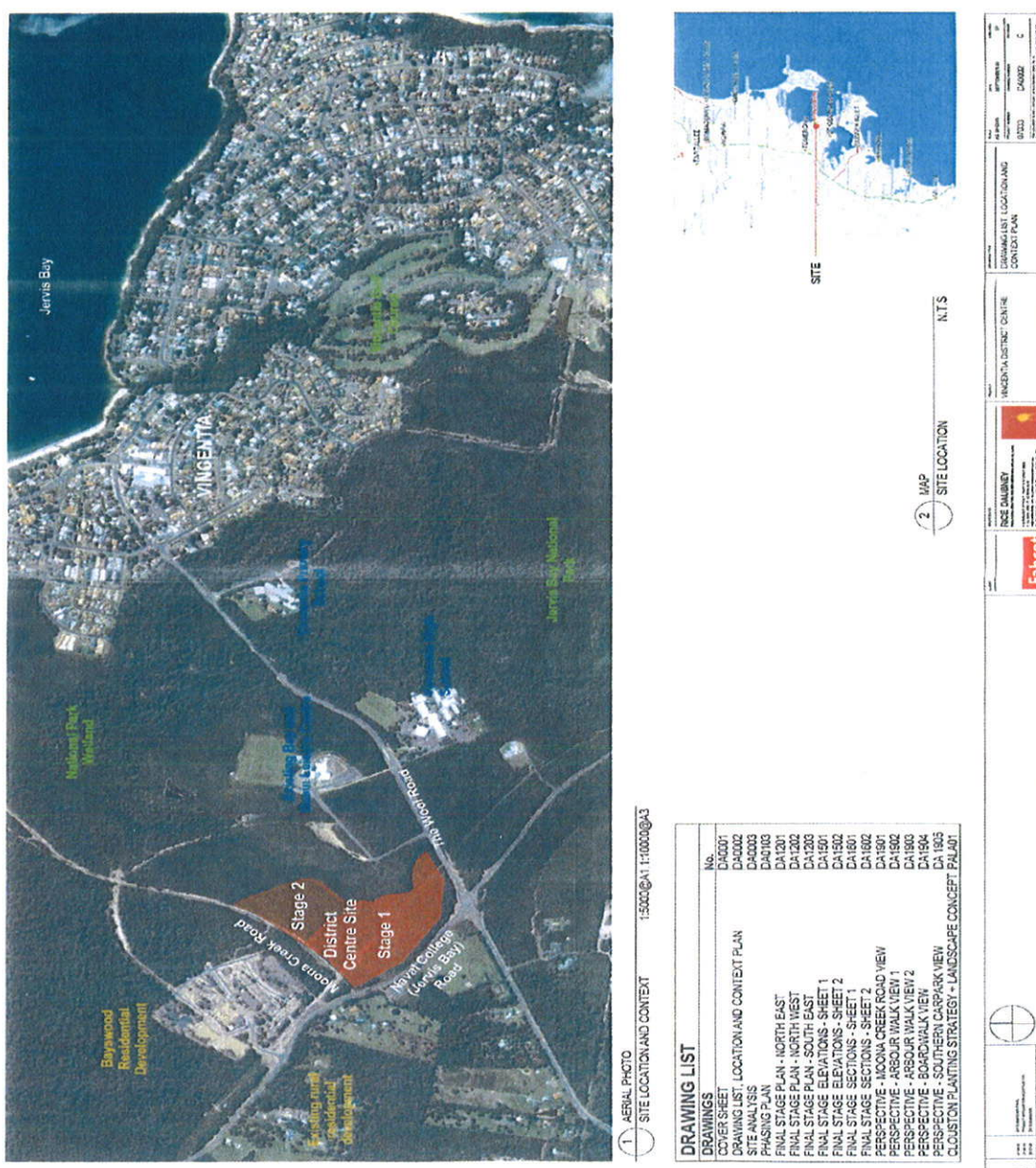
## 2.0 BACKGROUND

### 2.1 Site Locality and Description

The site of the Vincentia Coastal Village (CV) and District Centre (DC) is located at the northern corner of the intersection of Naval College Road and The Wool Road, Vincentia. It has an area of 127 hectares (ha) and is located within the Shoalhaven Local Government Area.

The site is located approximately 2 kilometres south west of the township of Vincentia, and is bounded by Jervis Bay National Park and Wetlands to the west and north, The Wool Road to the east, and Naval College Road to the south. The DC development will occupy an area of 12.16 ha, which forms part of the 127 ha referred to above.

**Fig. 1 Location Diagram**





## 2.2 Approval History.

On 25 January 2007 the then Minister for Planning granted Concept Plan (CP) approval (**Tag 1**) for a 604 lot residential subdivision, a residential development for adaptable housing, a commercial development, and the creation of an environmental zone.

Following receipt of the CP approval the then proponent (Stockland) sought and obtained Commonwealth Government approval for the development under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act). This approval reduced the overall developable footprint from that approved under the Concept Plan and established the Environmental Zone to the north and north east of the DC site.

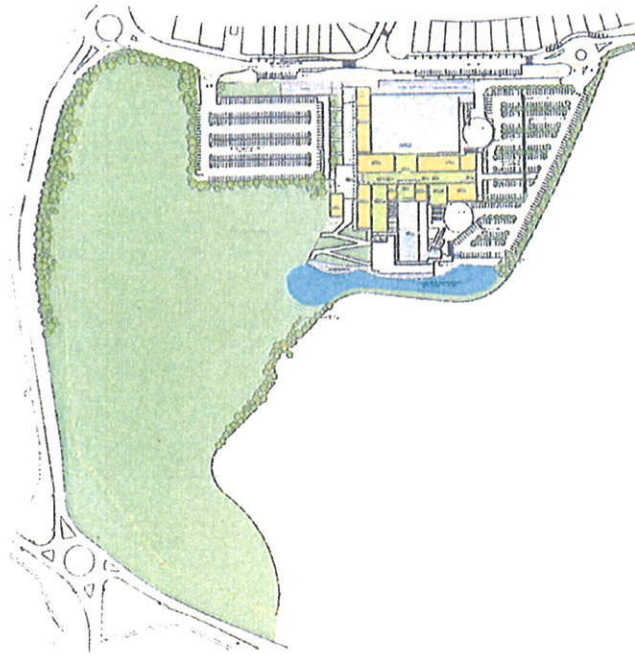
Project Approval for Stage 1 of the DC was granted by the then Minister for Planning on 7 January 2009 (**Tag 2**).

Under that approval Stage 1 was located at the northern end of the site and Stage 2 was proposed to be constructed closest to Naval College Road. The works approved are shown in Figure 2 and are described as follows:

- 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;
- Approx. 14,000 sqm of floor area, comprising 10,000sqm of retail space (including two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets) and approx. 4,000sqm 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.

On 10 April 2009 Modification No. 1 for this Project Approval was granted. This Modification deleted from the Project Approval two conditions (2.17 and 2.18) relating to the construction of a pedestrian underpass beneath Naval College Road.

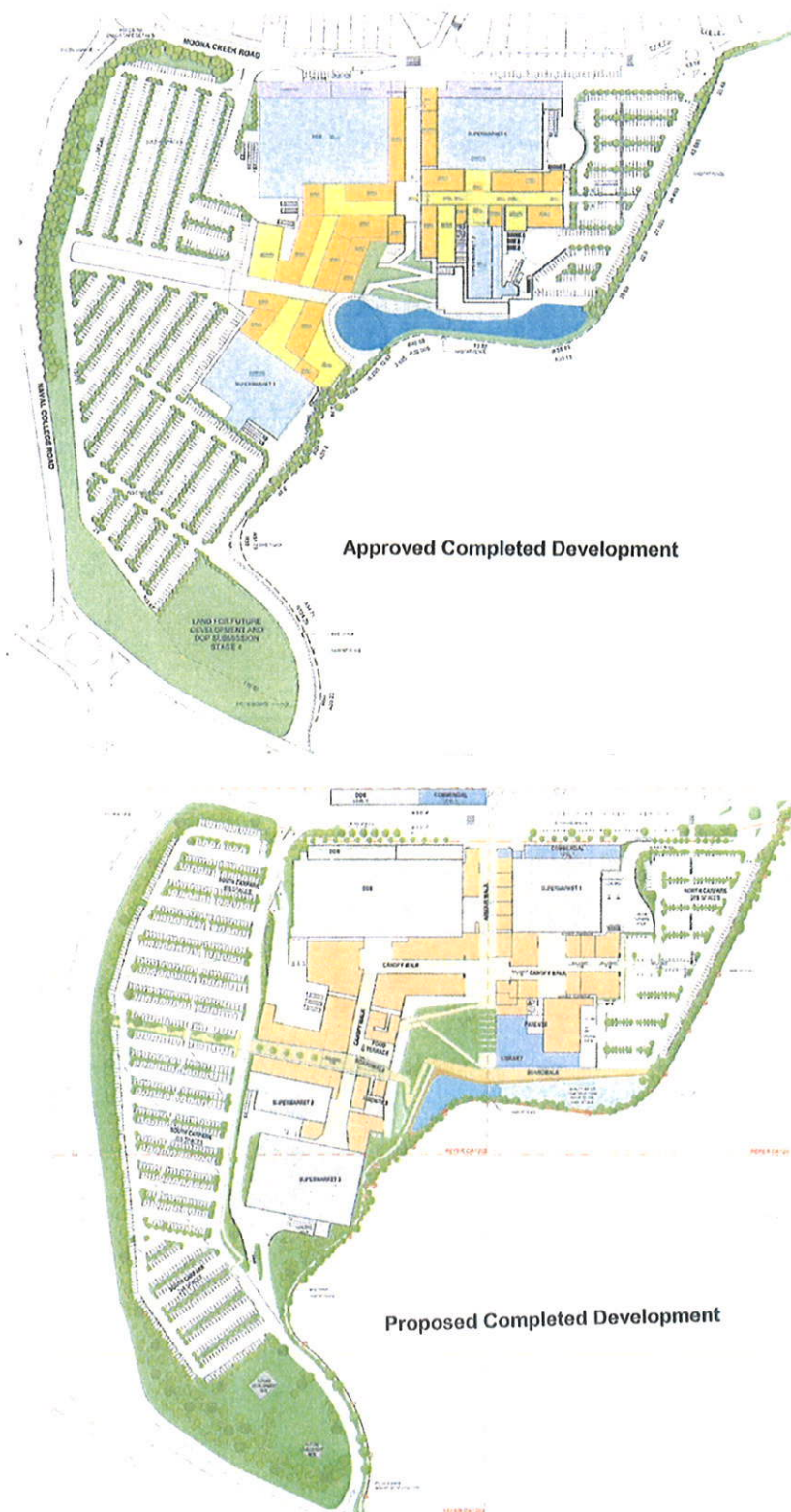
**Figure 2: Approved and Proposed Stage 1**



**Approved Stage 1**



**Proposed Stage 1**

**Figure 3: Approved and Completed Development**

### 2.3 The Proposal.

This application seeks approval to reverse the staging sequence of the construction of the DC, amend the size of each stage, undertake road upgrade works that were



not included in the original Project Approval for Stage 1, as well as other amendments which arise as a result of these changes. The submitted plans also show two areas identified as 'Future Development Sites', located adjacent to the intersection of The Wool Road and Naval College Road. These areas are not included in this application.

The scope of works for which approval is now sought is shown in Figure 2 and is described as follows (amendments to the approved scope of works are shown in **bold**):

- **Reversing the staging. The Concept Plan for the DC includes three stages. This modification requests making the new Stage 1 those stages previously approved as Stages 2 and 3, and the new Stage 2 being the previously approved Stage 1;**
- **Project Approval for both Stages 1 and 2 of the Vincentia District Centre;**
- Site preparation works (including earthworks and vegetation clearing) for **Stage 1 and Stage 2;**
- Subdivision to create a **12.16** ha lot upon which the District Centre will be constructed;
- **Stage 1** being approx. **22,600 sqm** of floor area, comprising **20,300sqm** of retail space (including **Big W Discount Department Store (DDS)**, two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets,) and approx. **1,300sqm** of commercial/community space (including centre management, amenities and commercial/community tenancies) and **Stage 2** being approx. **9,400 sqm** of floor area comprising **7,600 sqm** of retail space (including a supermarket, specialty retail outlets inclusive of kiosks and mini/major retail outlet) and **1,800sqm** of community space including use as a library and amenities, being a total 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 District Centre (including Moona Creek Road, external road works, footpaths and open space areas);
- **Stage 1: parking spaces for 69 cars in Moona Creek Road; 1,025 car parking spaces, including 773 permanent parking spaces located in the southern car parking area and 197 parking spaces in the interim northern parking area; loading docks for the Big W DDS, Woolworths and Aldi supermarkets and specialty shops; and trolley storage.**  
**Stage 2: parking for 289 cars in the permanent northern car parking area in lieu of the temporary parking spaces and an additional 243 spaces in the southern car parking area raising the total on-site in the completed centre to 1,360 car parking spaces; loading docks for supermarket No. 3; and trolley storage;**

- The following design changes:
  - Increasing the floor space of the Big W DDS,
  - Increasing the area of the loading dock facilities for the Big W DDS,
  - Slight repositioning of the Woolworths supermarket,
  - Relocating the Aldi supermarket from near the northern car park to adjacent to the southern car park,
  - The overall floor space and configuration of the specialty shops decreasing,
  - The size of the area identified as available for use as a library increasing from 743sqm to 1,700sqm and now being in Stage 2 and not Stage 1,
  - The roof height being lowered by approximately 1.0m, and
  - The size of supermarket 3 being reduced by 100sqm;
- Design and timing of construction of the new access road connecting the Bay and Basin Leisure Centre (BBLC) to The Wool Road;
- Design and timing of construction of the new Access 'D' intersection and associated access road connecting the new Stage 1 of the DC directly to The Wool Road;
- Provision of infrastructure for water, sewerage, electricity and telecommunications;
- Water Sensitive Urban Design; and
- Associated works.

The key aspects of the proposed modification are listed in Table 1.

**Table 1: Key Proposed Modifications**

<i>Aspect</i>	<i>Description</i>
<i>Reversing the Staging sequence</i>	The original Project Approval had Stage 1 located at the northern end of the site and comprising approximately 14,000sqm of floor area, and Stage 2 located between Stage 1 and Naval College Road and comprises approximately 18,000sqm of floor area. It is now proposed to have Stage 1 located closest to Naval College Road with approx. 22,600sqm of floor area, while the new Stage 2 will be located at the northern end of the site and contain approximately 9,400sqm of floor area.
<i>Construction of the access road and intersection D to link the site to the Wool Road</i>	Under the original proposal, the access road and associated intersection (intersection D) to connect the District Centre to The Wool Road were to be constructed as part of the original Stage 2. Now that the staging sequence is proposed to be reversed, these will be required to be completed as part of Stage 1.
<i>Construction of a new access road and intersection E to the BBLC</i>	Under the original proposal, the closure of the existing Bay and Basin Leisure Centre (BBLC) access road and construction of a new access road and associated intersection (intersection E) were to be built as part of Stage 2 to replace the existing access road which is being closed. Now that the staging sequence is proposed to be reversed, these will be required to be completed as part of Stage 1.
<i>Provision of a library</i>	The original Project Approval included the use of part of Stage 1 as a library.

<b>Aspect</b>	<b>Description</b>
	Provision is now required for 1,400sqm to be made available in Stage 1 for use as a library.
<i>Parking, Manoeuvring and Loading</i>	The parking for Stage 1 comprises a permanent car park on the southern side of the centre and an interim car park on the northern side. To accommodate the parking for the addition of Stage 2, the southern car park is being extended and the northern car park is being redesigned and enlarged

### 3. STATUTORY CONTEXT

#### 3.1 Modification of the Minister's Approval

The modification of the Minister's Approval by way of a s.75W request is considered appropriate in this instance because the proposal is still generally consistent with the approved layout and the proposed modifications do not materially change what has been approved.

#### 3.2 Delegated Authority

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request.

The modification application was not publicly exhibited because the extent and impact of the proposed changes was considered to be minor. However the application was posted on the Department's website and a copy of the application was forwarded to Shoalhaven Council and the Vincentia Residents and Ratepayers Association (VRRRA).

Shoalhaven Council provided its comments on 6 September 2010 (**Tag 3**), 23 November 2010 (**Tag 4**), and 20 December 2010 (**Tag 5**) while those from the Vincentia Residents and Ratepayers Association (VRRRA) were received on 22 September 2010 (**Tag 6**) and 15 December 2010 (**Tag 7**). In addition, comment was received from the Hyams Beach Villagers' Association on 29 December 2010 (**Tag 8**).

As 6 public submissions were received (see section 4), the Executive Director may determine the modification request under delegated authority.

### 4. CONSULTATION AND SUBMISSIONS

#### 4.1 Exhibition

Under Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department listed the Modification application on its website and forwarded a copy to Shoalhaven City Council and to the VRRRA for their comment.

In response the Department received a submission from both parties, as well as a submission from the Hyams Beach Villagers' Association.

A summary of the issues raised in submissions is provided below.

## 4.2 Public Authority Submissions

In its submission dated 6 September 2010 Shoalhaven City Council raised the following concerns regarding the proposal:

- the need to coordinate the closure of the existing BBLC access road and construction of the new replacement access road;
- postponing the provision of a library until Stage 2;
- the design of Moona Creek Road;
- the proposed car parking layout;
- the provision of appropriate numbers of car parking spaces, particularly during the construction of Stage 2;
- the provision of adequate long vehicle parking spaces;
- adequacy of the manoeuvring area in loading bays;
- the method of dealing with the anticipated acoustic impacts of the centre;
- the adequacy of the proposed soft and hard landscaping;
- that any proposal for the "Future Development Sites" be the subject of separate applications; and
- that the Pylon sign be either deleted from the current application or conditioned to comply with Council's DCP.

In its response dated 23 November 2010 to the Preferred Project Report (PPR) Council commented the following:

- its agreement to the adequacy of car parking on site, including that for long vehicles, the library being in Stage 2, the timing for approval of stormwater and Water Sensitive Urban Design (WSUD), and the proposed landscape treatment;
- reiterated its concerns regarding "Future development", adequacy of loading bays and delivery vehicles, appropriateness of acoustic controls, water and sewer, and s.94 contributions;
- its objection to the proposed two stage approach to the road and intersection works in The Wool Road;
- details regarding the design and timing of works in Moona Creek Road, Naval College Road, The Wool Road and the new BBLC access road;
- a request that pedestrian pathways be constructed in concrete.

In its submission dated 20 December 2010 Council altered its position and expressed concern regarding the provision of the library in Stage 2 and not in Stage 1, and requested that the Department consider imposing an appropriate condition to ensure that the library space of 1400sqm be provided by the developer as part of Stage 1 by 2014/15 should Stage 2 not proceed by 2014/15.

Subsequently, the Department was advised that at its meeting on 22 December 2010 Council resolved to invite Fabcot to a round table discussion regarding future road issues and the provision of a library within the District Centre (**Tag 9**). This meeting was held on 25 January 2011. It was agreed that undertaking the road upgrade works in one stage was best for both parties however no agreement was reached in relation to the design of the new BBLC access road and the timing for closing the



current BBLC access road. The issue of the provision of the library was not discussed.

### 4.3 Public Submissions

A submission dated 22 September 2010 was received from the VRRRA in which the following concerns were raised:

- questioning the need for two intersections and two sets of traffic lights so close to the roundabout at Naval College Road and The Wool Road;
- the timing and extent of the upgrading works to The Wool Road;
- adequacy of the landscape buffers around the site;
- the visual impact of the overhead power lines and a request that a condition be imposed requiring them to be buried;
- the need for a pedestrian/cycle path to be constructed on the western side of The Wool Road to link the new intersections D and E;
- the maintenance and protection of the Environmental Zone;
- the lack of community facilities in the new scheme and disappointment at the library now being in Stage 2 and not Stage 1; and
- the preservation of the green buffer adjacent to the Naval College Road/The Wool Road intersection and not allowing fast food or petrol stations on this corner.

In its submission dated 15 December the VRRRA reiterated their views that:

- there should only be one set of traffic lights on The Wool Road and that Woolworths' proposed access is too close to the roundabout;
- there should be a pedestrian/cycle path on the western side of The Wool Road between the District Centre and the BBLC (intersections D and E respectively); and
- the library should be in Stage 1.

In an email dated 20 December 2010 the VRRRA reiterated that the community require the promised library to remain in the approved project.

The submission from the Hyams Beach Villagers' Association dated 29 December 2010 raised concerns that the library may not proceed due to its deferment to Stage 2 of the District Centre.

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

## 5. ASSESSMENT

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The Department considers the key issues for the proposed modification to be:

- the reversing of the sequence of the Staging;
- the access roads and intersections D and E;
- the provision of a library in Stage 1;
- parking, manoeuvring and loading;
- acoustic impact; and
- Landscaping.

### **5.1 Reversing of the sequence of the Staging.**

The reversing of the staging sequence to now build the larger portion as Stage 1 and the smaller portion as Stage 2 does not in itself significantly alter the final form of the District Centre. The proposed Stage 1 includes 2 supermarkets, a Discount Department Store, a mini-major, 6,600 sqm of specialty shops and 1,100 sqm of commercial floor space, while the proposed Stage 2 includes 1 supermarket, a mini-major, 3,200 sqm of specialty shops, and 1,700 sqm available for use as a library. Based on advice from Council the Department believes that 1,400 sqm is sufficient space for a library and supports this being delivered in Stage 1.

The justification put forward by the proponent for the modification is that it will enable the proponent to respond quickly to market demand, the main site infrastructure will be delivered in the same manner as that approved, the access points are unchanged, and the reversed staging will provide a completed through-link from Moona Creek Road to The Wool Road.

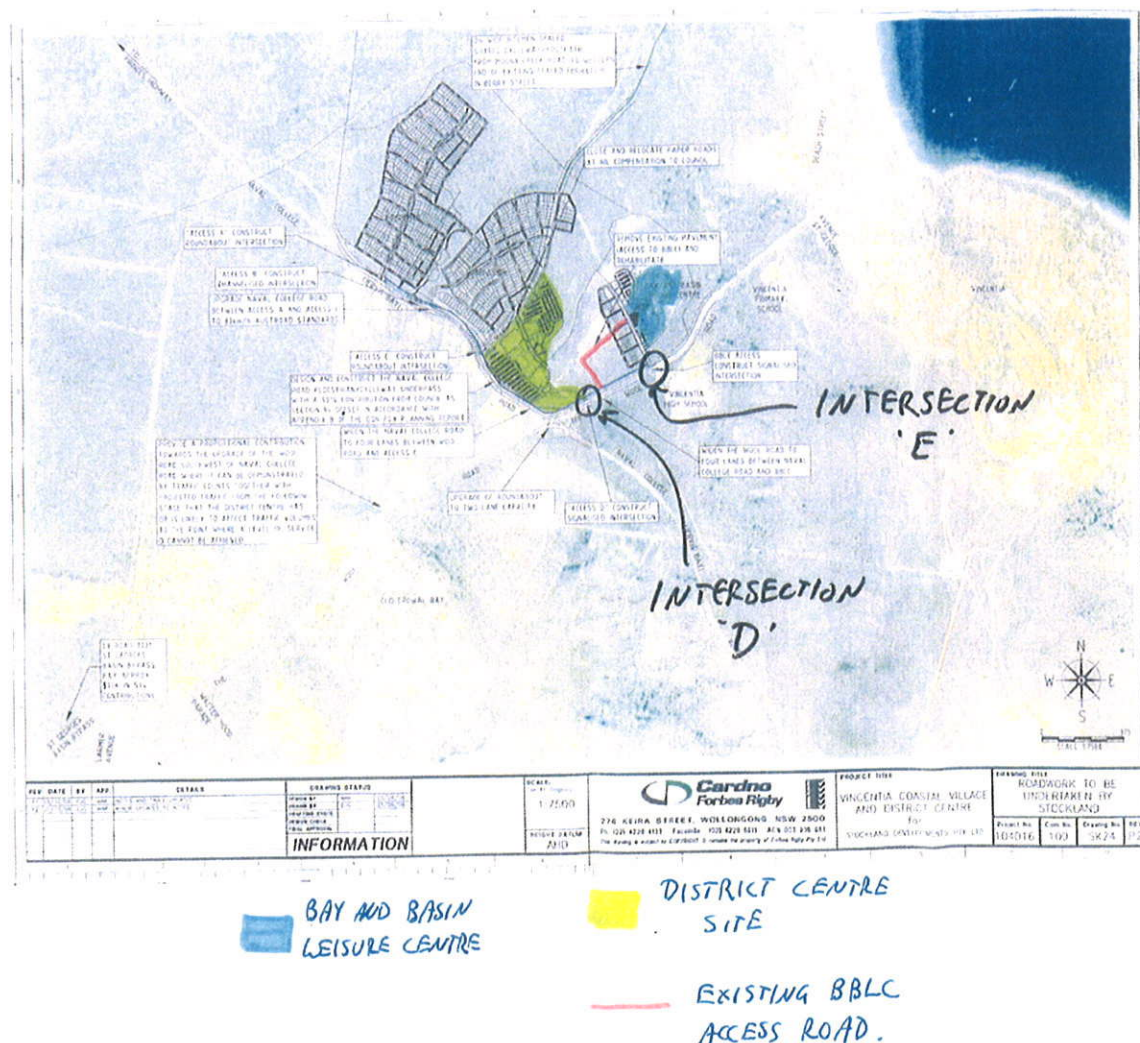
The Department considers that the proposed reversing of the staging sequence is acceptable for the following reasons:

- With the proposed Stage 1 being 60% larger than the approved Stage 1, there is clear economic and social benefit to the Vincentia community with the construction of as much of the District Centre as soon as possible;
- This reversal will require considerable road improvement works to be undertaken and completed in and around the site prior to the opening of Stage 1 which is earlier than previously planned; and as recommended by the Department
- Providing 1,400 sqm of space capable of being used as a library in Stage 1 maintains the community benefit intended to be delivered with the initial Project Approval.

### **5.1 Access Roads and Intersections D and E**

Those road works that were approved in the original scheme as part of Stage 2 and which are now to be constructed as part of Stage 1 are as follows:

- the construction of an access road and signalised intersection (intersection D) to connect the District Centre directly with The Wool Road,
- the construction of a new BBLC access road and signalised intersection (intersection E) off The Wool Road, opposite the entry to Vincentia High School.
- the closure of the existing access road to the BBLC (refer Fig 4).



**Figure 4: Plan showing location of Intersections D and E and the existing BBLC Access Road**

During the original assessment all parties acknowledged that the proposed new intersection D and the existing BBLC intersection were to close to the large roundabout at the intersection of Naval College Road and The Wool Road, and that these closely spaced intersections would have an adverse impact on traffic safety. In order to overcome this, the original approval required a new BBLC access road to be built further to the north, opposite the entry to Vincentia High School, following which the existing access road would be closed and rehabilitated.

Conditions 2.14 and 2.15 of the initial Project Approval related only to the concept of this BBLC access road and intersection D (refer to Fig 4 above). They specifically did not approve their design or construction. This condition also stipulated that they were to be constructed in conjunction with the approved road upgrade works to The Wool Road and prior to the occupation of Stage 2 of the District Centre.

All of the land between the District Centre site and the BBLC site was purchased by Fabcot from Stockland as part of the purchase of the District Centre site. As a result of environmental studies undertaken by Stockland prior to the approval of the original Concept Plan, this area has been identified as containing endangered flora and

fauna species, and is now zoned E2 Environmental Conservation under the Major Development SEPP 2005.

As a result of the presence of these endangered species and following receipt of Concept Plan approval Stockland was required to obtain approval for the development from the Commonwealth Department of Environment and Water Resources (DEWR) under the Commonwealth Environment Protection and Biodiversity Conservation Act (the EPBC approval). One condition of the EPBC approval required Stockland to undertake "removal and rehabilitation of the existing access road from The Wool Road to the Bay and Basin Leisure Centre through the Environmental Zone, including rehabilitation of the scald area".

At a meeting in August 2010 Council tabled a plan indicating a variety of community facilities it proposed around the BBLC building. This introduced considerable uncertainty regarding the design and route of the new BBLC access road, as well as raising the question of what was reasonable for Fabcot to provide. In discussions and correspondence, Council has consistently advised that it is the only party legally allowed to close the existing BBLC access road and they will only do so when an agreement has been reached regarding the route and design of the new access road which will serve this new enclave of community uses.

In an attempt to separate the issues of the new BBLC access road and the construction of intersection D, Fabcot proposed as part of its PPR that, in addition to undertaking the approved road upgrade works in Naval College Road, upgrading works in The Wool Road could be carried out in two stages. This scheme which is referred to as Option 3 is shown at **Tags 10A and 10B**.

Option 3 was put to Council for its consideration. In response Council advised that it could not support it because the impact of Stage 1A on the Naval College Road/The Wool Road roundabout was unacceptable, and because the works required removal of vegetation from the Environmental Zone. As an alternative Council proposed its own two stage solution which they referred to as Option 4 which is shown at **Tag 11**. With neither option supported by both parties the Department engaged Mr Philip Brogan of Urbanhorizon to undertake a peer review of each option and advise on which, if either, is best from a traffic management and safety perspective.

The advice provided by Mr Brogan (**Tag 12**) and which is accepted by the Department is that the proponents' option 3 is both satisfactory and superior to Council's Option 4.

Since its submission proposing Option 4, Council has prepared and adopted a Master Plan for the BBLC site (**Tag 13**) which makes provision for a variety of community facilities i.e. Fire Station, Rural Fire Service station, Ambulance station, and a police station within this BBLC precinct. This plan also shows an elaborate new road to serve this BBLC precinct running along the eastern edge of the area owned by Stockland and which is subject to the EPBC approval.

Approval must be obtained from DEWR to modify the current EPBC approval for locating the new BBLC access road through the Environmental Zone. Relying on a third party has created uncertainty in the timing of the delivery of these works. However, the incentive for Stockland to lodge this application is it will enable them to



off load their current liability for rehabilitation and ongoing maintenance of the Environmentally Zoned land, and it will facilitate the construction of the District Centre which will benefit the sales of lots in their nearby subdivision. The Department will write to Stockland to expedite the lodgement of this modification application.

Thus, the Stage 1A road upgrade works which will provide a satisfactory level of service for the District Centre will be commenced immediately following the issuing of a Construction Certificate while the Stage 1B road upgrade works and the construction of the new BBLC access road, which together will improve the level of service to both the District Centre and the BBLC, will be commenced as soon as the Commonwealth approve the EPBC modification.

The Department considers it unreasonable to delay the construction of the District Centre for the following reasons:

- Satisfactory access is provided to the District Centre with the Stage 1A road upgrade works; and
- It is unreasonable to both the proponent and the community to delay the construction and delivery of the District Centre for reasons beyond the control of the proponent.

There is general agreement between all parties regarding the minimum standard for the road that would be required to serve the BBLC in the absence of this Master Plan (**Tag 14**) however no agreement has been reached between Shoalhaven Council and Fabcot regarding the final design of the new BBLC access road.

Following a resolution by Council on 22 December 2010, a meeting was held between Council officers and Fabcot on 25 January 2011 to discuss this and related road issues. All that was agreed was that it was better if all road works were completed in one stage and not two stages, and that the discussions would continue.

Officers of the Department met with Fabcot and their representatives on 16 February to discuss the process involved for the new BBLC access road works and Fabcot's level of commitment to the construction of Stage 2 of the District Centre. As a result of this meeting and subsequent correspondence received from Fabcot the Department is satisfied that:

- it is possible and preferable for all road upgrade works in The Wool Road to be completed prior to the occupation of Stage 1 of the District Centre;
- the Department is satisfied that, for reasons beyond Fabcot's control, the two staged approach to these road upgrade works as outlined in Option 3 is acceptable;
- the Stage 1B road upgrade works will be commenced as soon as possible following the approval of the EPBC modification; and
- that Fabcot intend to construct Stage 2 of the District centre when the commercial environment is suitable.

The final design of the new BBLC access road has not yet been agreed and is to be the subject of further negotiation between the parties. Hence, a condition has been included in the attached approval that approves the design of the road required to adequately serve the BBLC in the absence of Council's Master Plan. However the condition has been worded such that the Department raises no objection to any

alternate design for this road, provided that has been agreed to by both Council and Fabcot.

This will enable Fabcot to finalise its CC documentation for the District Centre and some of the road works, and to continue with negotiations regarding the design of the new BBLC access road and to assist Stockland to lodge the application to modify the EPBC approval.

Council has also raised the following issues relating to intersections D and E:

- Intersection D – Council's Traffic Unit has recommended (**Tag 15**) minimum lengths for certain components of this intersection layout. The Department's view is that as Council will be issuing the CC for these works, they have the opportunity to ensure that these minimum lengths are incorporated into the final design.

Council believes that whilst the proposed single right turn lane is currently adequate, two right turn lanes may be required in the future and has requested that a new Statement of Commitment be added requiring the cost for designing and constructing this second lane be borne by the proponent. The Department considers that the road reserve is sufficiently wide to accommodate this additional lane if it is ultimately required and takes the view that it is unreasonable to require the proponent to pay for any future intersection upgrade works unless it can be demonstrated that the demand for these works is directly and solely generated by the District Centre.

- Intersection E – Council has suggested (**Tag 16**) that amendments are required to the lane configuration of the entry/exit road of Vincentia High School, within the high school grounds in order for the school to effectively use of the new intersection.

The Department considers it unreasonable to impose such a condition for the following reasons:

- The Department of Education was advised of the original Concept Plan application and did not make a submission,
- Council has confirmed that it has recently spoken with the Department of Education however no correspondence has been received from the Department of Education, and
- in assessing the original Project Application for the District Centre the Department saw no need for a condition and there is nothing in the proposed modification which alters this situation.

## 5.2 Provision of a library in Stage 1

The initial Concept Plan granted approval for only the use of approx 700sqm of part of Stage 1 as a library. This current modification application proposes approximately 1,700 sqm of space in Stage 2 being made available for use as a library, rather than have it in the new Stage 1.

Council concedes that no agreement was reached between Stockland and themselves regarding the size of the library nor any commercial arrangement regarding leasing any space for a library.

Fabcot's position is as follows:

- It is only obligated to pay the s.94 contributions as imposed in previous approvals. Council has confirmed that there is no s.94 contribution for a library in the Vincentia District Centre,
- If Council requires a library in the short term, Fabcot is prepared to make approx 1,700 sqm available in the new Stage 1 on commercial terms,
- If the need is less urgent, they are prepared to make approx 1,400 sqm available in the new Stage 2, also on commercial terms,

In its response dated 6 September 2010 Council advised that it *"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 Council's adopted Community Strategy and Library Report reviews"* (Tag 17).

Council's position was reconfirmed on 23 November 2010 in their submission in response to the PPR which stated *"The Council's EAR submission in regard to the potential library space in stage 2 has not changed"* (Tag 18).

Two local resident groups have expressed concerns (refer Tags 7 and 8) that with the library now being planned for Stage 2, and there being no guarantee of when Stage 2 will be constructed, then there is no guarantee that the library will ever be built.

On 20 December 2010 Council's Director of Development and Environmental Services wrote to the Department advising that *"Council does have concerns if Stage 2 is not constructed within a reasonable period, considered to be 5 years or by 2014/15. The provision of a library space is seen as a critical community facility and Council requests the Department consider an appropriate condition to ensure that the library space of 1400 sqm be provided by the developer as part of Stage 1 by 2014/15 should Stage 2 not proceed by the year 2014/15"* (refer Tag 5).

The Department shares the concern of Council and the residents regarding the uncertainty of the provision of a library if it is located within Stage 2, and views deferring the introduction of a library until stage 2 as being contrary to the spirit and intent of the original approval and not in the best interests of the community.

To this end, a condition has been included in the attached approval requiring 1,400 sqm of space in Stage 1 to be available for use by Council as a library, and this area is to be shown on the Construction Certificate plans for Stage 1. The terms and conditions under which Council occupy and use this space are to be agreed between Council and Fabcot. Council have advised that within 6 months of the date of this approval they would be able to confirm whether they require the library in Stage 1 or not. This timing has been reflected in the condition referred to above. Should Council choose to not use this space as a library then the Department raises no objection to this space being used as part of the commercial floor area of the District Centre and

the 1,400sqm of space in Stage 2 is to be made available for use as a library on the same basis.

### **5.3 Parking, Manoeuvring and Loading**

In its various submissions Council has raised numerous concerns relating to the provision of car parking on site, the design of Moona Creek Road, the adequacy of manoeuvring areas for the proposed loading docks, and the provision of long vehicles parking spaces. Some of these were addressed in the original Concept Plan and Project Approvals while others are more relevant to this current modification.

Car Parking – the car parking for the District Centre will be constructed in two stages (**refer Fig. 2 and 3**): a large car park on the southern side of the Centre and a smaller, interim car park on the northern side. Together these will provide a total of 981 spaces (784 and 197 spaces, respectively) for Stage 1, which exceeds the requirements of Council's Car Parking DCP.

The additional parking spaces for Stage 2 of the District Centre will come from expanding the Stage 1 southern car park by 243 spaces, and redesigning and reconstructing the northern car park to accommodate 280 spaces, as opposed to the 197 in the interim configuration. This will result in a total of 1307 spaces which is in excess of the requirements of Council's DCP. The condition relating to car parking has been amended to reflect these new car space numbers.

In addition to the spaces on site, the original Project Approval also included 69 on-street car parking spaces shown in the plan prepared by Cardno (**Tag 19**). Council has reiterated its previous concerns regarding the appropriate configuration of such spaces and has advised that it may seek to amend this configuration by requiring 45 degree parking, thereby reducing the number of on-street spaces. The proponent has not raised any objection to such a possible reduction.

Council noted that at the time Stage 2 was being constructed it was important to maintain separation between shopper traffic from construction traffic to ensure a safe shopping environment. The Department agrees with this and a condition has been included in the attached modifying instrument requiring the preparation of a detailed traffic management plan prior to the issuing of the Construction Certificate (CC) for Stage 2.

Moona Creek Road design - Council has raised several concerns regarding the design of Moona Creek Road and has requested amendments to the submitted design. These amendments relate to lane configurations, median widths, the installation of fencing along sections of the median, and the installation of an additional roundabout. Many of these concerns were raised with the original application and the road design approved with the original Concept Plan and Project Application responds to most of these. The proponent has stated that they do not seek to amend the design of this road from that which was originally approved.

As mentioned above, Council's concerns regarding the configuration of car parking spaces in Moona Creek Road will be resolved between the parties at the CC stage.

Loading Dock Manoeuvring – Council has raised concern regarding the adequacy of the manoeuvring areas for the loading docks. The Department's traffic consultant



also noticed that some of the turning paths for delivery vehicles encroached slightly over the landscaped areas in parts.

The proponent has advised that these turning paths will be "checked" prior to issuing of the CC, however the Department is of the view that a plan illustrating that all turning movements can operate properly should be provided to Council for their information prior to the issuing of the CC. A condition to this effect has been included in the attached modifying instrument.

**Long Vehicle Parking** – The Shoalhaven area receives thousands of holiday makers each year with many arriving by car, and often towing either a boat or a caravan. Council encourages the provision of long vehicle spaces in public areas to cater for such vehicles. This application originally proposed the provision of 4 long vehicle spaces however Council expressed concern that this may be inadequate, and that such spaces should be grouped together and preferably be in a drive through configuration for ease of manoeuvring. In response the proponent's traffic consultant has advised that 12 such spaces can be available and proposed to locate them in the southern car park with appropriate signage. The Department considers this an acceptable solution provided appropriate signage is installed and that the location of these spaces is permanent and is not changed during the upgrading of the car parking areas at the time of constructing Stage 2. A condition to this effect has been included in the attached approval.

#### **5.4 Acoustic Impact**

The original assessment, which was done at the time when Stockland owned both the adjacent residential subdivision and the District Centre site, included an assessment of the acoustic impact of two aspects of the District Centre on the nearby residential areas: the impact of noise from late night operations of the loading docks, and the impact of mechanical equipment i.e. air conditioning units, on the roof of the District Centre.

The original approval required the construction of an acoustic fence along part of the southern boundary of the adjacent Retirement Living Village (**Tag 20**) prior to the occupation of that Village, and the imposition of a restrictive covenant under s.88B of the Conveyancing Act on other nearby residential properties requiring the owners to install appropriate acoustic treatment to houses built on these lots. The Retirement Living Village has not yet been constructed however the restrictive covenant has been placed on the title of the adjacent residential lots (**Tag 21**).

The proponent has included in its Statement of Commitments an undertaking that deliveries to Stage 1 will not occur between 10pm and 7am to minimise the impact on adjacent residential properties. Council has advised that it is their experience that such undertakings are ineffective as they are difficult to enforce. They have suggested that the proposed Statement of Commitment (SoC) No. 46 be amended to require the proponent to include restrictions in subsequent lease agreements with all tenants, particularly the Discount Department Store and supermarkets. The Department considers that the proposed Statement of Commitment is sufficient to address this matter.

The acoustic report submitted with the application identifies that noise from the roof top mechanical plant was likely to exceed the accepted standard of 5 dBA above

night time back ground noise and recommended that further acoustic analysis be undertaken at the CC stage. This has been accepted by the proponent and has been included in their Statements of Commitment No. 45 (**Tag 22**). The Department is satisfied with the approach and the SoC has been modified to reflect this.

### 5.5 Landscaping

The landscaping in the proposal generally reflects that which was approved in the original scheme and is consistent with the previously approved Footpath Location Plan.

In its response to the EA Council stated it they generally support the landscaping proposed but made comments on the adequacy of the buffer along the sites southern boundary, the need for root barriers to be installed, consideration of ESD principles regarding timber selection, the finished materials of the bike track, and that plantings beneath overhead power lines should not exceed 4m in height.

The VRRRA commented that green buffers are essential to screen the development, particularly adjacent to the intersection of Naval College Road with The Wool Road, believed that more design was required to the bike tracks so that they link up safely, and expressed concern regarding planting trees beneath overhead power lines.

The PPR stated that:

- buffer planting would comprise retained existing vegetation and new plantings which together, would provide an appropriate screen;
- root barriers would be installed and this is covered by condition 2.37;
- all planting beneath overhead powerlines would comply with the relevant Integral Energy standard;
- the timbers to be used will be either from a sustainable source or recycled timber products;
- the finish to the bike path will be a combination of decomposed granite and concrete and will be a minimum of 2m wide.

Council subsequently recommended that, based on its experience with maintaining such paths, the bike paths should be constructed of low maintenance coloured concrete rather than the decomposed granite. The Department believes that this is a reasonable request for all footpaths which are on Council property however for those outside Council property, the proposed finishes are considered acceptable.

Council and the VRRRA have requested that a condition be imposed requiring the proponent to construct a new footpath on the western side of The Wool Road, between the new intersection D and the new access road to the BBLC. The proponent has agreed that the provision of such a footpath is desirable, and is prepared to include it in their negotiations with Council regarding other matters such as the final design of the BBLC access road and the provision of space for a library. The Department considers that there is nothing new in this application which creates the need for such a footpath and that the approach of the proponent is acceptable.

### 5.6 Future Development

The plans submitted with this application include reference to "Future Development Site" adjacent to the entry point into the site from intersection D. This is consistent with the Additional Permitted Uses in the Major Projects SEPP and with the initial

Project Approval which described this part of the site as "Land for future development and DoP submission Stage 4".

However, while it is acknowledged that any development in this part of the site has to be the subject of a separate application lodged with the Department, clause 19, Division 2 of Part 29 of the Major Projects SEPP states that "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" and the total gross floor area of the proposed District Centre is 32,000 square metres. Any future application for development of these "Future Development Sites" will need to address this requirement.

## **6. CONCLUSION AND RECOMMENDATIONS**

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The approved Concept Plan was for a 32,000 square metre shopping centre constructed in two stages: Stage 1 being 14,000 square metres at the northern end of the site and Stage 2 being 18,000 square metres at the southern end of the site. This approval also included considerable upgrade works to existing surrounding public roads, the construction of a new public road, construction of large car parking areas, and various landscaping and environmental works.

This application seeks to modify the current Project Application approval by altering the size and reversing the sequence of the Staging such that Stage 1 is 22,600 square metres and located at the southern end of the site and Stage 2 is 9,400 square metres and located at the northern end of the site. In addition, the works to the existing public roads are being accelerated, and the car parking is being altered to reflect the revised staging.

The Department has reviewed the original Environmental Assessment report, various submissions made by Shoalhaven Council, and two residents associations, the Preferred Project Report, additional submissions made by Shoalhaven Council, and advice from its independent traffic consultant.

The key issues with this modification are the timing of the upgrade works to the existing public roads, the provision of a library, adequacy of the car parking provided, manoeuvring for loading docks, and acoustic impact.

The Department's assessment of the key issues has concluded that the proposed modification is acceptable subject to appropriate amendments to conditions of approval and the related Statement of Commitment.

The Department's recommendation provides for:

- 1,400 sqm of floor space to be identified in Stage 1 for use as a library if required by Council;
- Upgrade works to Naval College Road, the roundabout at the intersection of naval College Road and The Wool Road, and the Stage 1A works in The Wool Road all being completed prior to the occupation of Stage 1;
- Appropriate car parking is provided on site at all times for both Stage 1 and Stage 2; and
- continued negotiation between Shoalhaven City Council and Fabcot regarding the design of the new BBLC access road and the provision of a