

**SHOALHAVEN CITY COUNCIL
ENVIRONMENTAL ASSESSMENT SUBMISSION TO THE NSW DEPARTMENT
OF PLANNING
PART 3A, ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

MAJOR PROJECT APPLICATION MP 06_0205

**Vincentia District Centre
Modification No 3**

PROPERTY: The land within the Vincentia District Centre (VDC) being part of the Concept approval MP06_0060 approved 25 January 2007.

PROPOSAL: Proposed MP06_0205 VDC Stage 1 - Modification No 3 being modification to the VDC Stage 1 approval by delivery of the VDC in stages with Stage 1 now being proposed as Stage 1A and Stage 1B and the future Stage 2 as shown in Mod 2 application

APPLICANT: Fabcot Pty Ltd

OWNER: Vincentia Nominees Pty Ltd

DEPARTMENT OF PLANNING REFERENCE: MP06_0205 (Mod 2)

COUNCIL REFERENCE: 3A08/1006

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1.0 Summary

The modification to the building footprint of the Vincentia District centre (VDC) is due to commercial considerations assessed by Fabcot. The proposal is to enclose the internal "broad walk" and "canopy walk" malls, provide climate controls and split the approved Mod 2 Stage 1 into Stage 1A and 1B floor areas. The "arbour walk" is to remain as an open mall. The Mod 2 approval that included a commercial space along the eastern section of Moona Creek Road has been deleted from the Mod 3 application.

There are other complementary amendments as well. As a result of seeking approval to Mod 3 the NSW Department has been requested to vary Clause 19 of Part 29 in Schedule 3 of the Major Development SEPP. This is due to the increase in gross floor area when calculating the now proposed enclosed building footprint.

The Mod 3 application proposes an amendment to Mod 2 approval condition 1.1 in Schedule 2 of the Instrument of Approval. Council's submission deals with matters arising from the proposed modification.

It is noted that the Mod 2 approval conditions include a provision for a library to be provided as part of Stage 1, subject to Council confirming to Fabcot within 6 months of that approval if the library is required in Stage 1 or in Stage 2. Council advises that discussion has commenced with Fabcot / Woolworths on arrangements and design requirements for a library and Council will advise in due course in respect of that approval condition.

Council is concerned with car parking design and provision and therefore the submission includes significant reference to car parking and provides recommendations for consideration. Council would welcome an opportunity to meet with The Department and Proponent so productive outcomes for the development can be achieved.

2.0 Council submission of proposed modification to conditions of Mod 2 approval.

2.1 - Condition 1.1 (c) – *description of staged development*

Mod 2 approved condition 1.1 (c) includes floor areas and also a description of the significant business types.

Council requests that in Mod 3, the subsequent approval of Condition 1.1 (c) includes a similar description of the Stages – 1A, 1B and 2 in both floor areas and general inclusions and business types

2.2 - Condition 1.1 (f) – *car parking provision in staged development*

The application has re-calculated the car parking requirements under Council's Development Control Plan No.18 (DCP18). The proposed condition sets out provision at each of the stages.

Council's submission details concerns below about certain parking arrangements.

2.3 - Condition 1.2 reference to documents

The modification adds the Mod 3 Environmental Assessment report and referenced plans into the condition.

Council does not object, subject to clarification if matters raised in this submission may lead to a Proponents Response also being incorporated into the referenced documents.

3.0 Traffic Impacts

CI 5.2 of the EA states that *"the Modification does not seek to change any of the traffic or road related matters already considered and assessed as acceptable in Mod 2"*.

Council does not support the amendment as shown in Mod 3 drawings for the reasons set out below and the Council recommends a further review in the submission.

Appendix 1 to the submission details specific concerns and requirements from Council's Traffic Unit that the Department is requested to ensure is incorporated into the proponents application.

3.1 The Mod 3 proposal.

The architectural Rice Daubney drawings DA0103, DA1201 and DA1202, indicate some differences to the Mod 2 details. The proponent has located an additional 20 spaces in Moona Creek Road, amended the 4 taxi spaces from parallel parking to angled parking (drawing DA1202) and appears to move angled spaces on the southern side east on Halloran Street but closer to the intersection.

Council does not support the amendment as shown in drawings and the reasons are as follows:

Council's DCP18 is based on required car parking from development being provided on-site. The proponent has continued to provide on-street car parking numbers as part of the development requirements and the Department has accepted that as shown in the Mod 2 approval and drawings. The acceptance then forms part of the project approval. The Department and proponents recognise that as part of the *Roads Act Section 138* approval processes for construction works in Moona Creek Road, Council as the roads authority will determine works based on required and relevant geometric and safety standards. It is understood from Fabcot that due to contractual arrangements, the responsibility for works to upgrade Moona Creek Road is Stockland's responsibility and construction plans have not been received from Stockland at this point.

The proponent argued in Mod 2 that providing 51 on-road spaces in Moona Creek Road east of the Halloran Road intersection was for users of the VDC. The spaces on the north side are parallel and the south side are angled spaces (60° front in spaces while Council has previously requested 45° spaces and will require these as rear to kerb spaces in subsequent Roads Act considerations). In Mod 3, drawing DA1202 shows 14 parallel spaces on the north side west of Halloran Street and 10 angled spaced, including the 4 taxi spaces on the southern side. The Department accepted the proponent's application.

3.2 On – Street parking issues

The placement of the additional 20 spaces as shown in the section of Moona Creek Road west of the Halloran Street intersection affects the desired design for traffic movements and safety and will be considered as part of the Roads Act construction assessment. Traffic from the Vincentia Coastal Village (VDC) will enter Moona Creek Road from Halloran Street to access the VDC car park, traffic from Naval College Road will use Moona Creek Road and access the VDC car park, and traffic entering and exiting the VDC car park onto Moona Creek Road for left and right hand turns will converge at this point in Moona Creek Road.

There is no traffic analysis from the proponent to negate Council's concerns.

3.3 Considered options for the provision of aggregate parking for the development

The development's building footprint determines an aggregate number of car spaces required (DCP 18). The proponent has proposed the car spaces on Moona Creek Road be calculated within the required aggregate number for the development and the Departments Mod 2 approval has accepted this in principle. The proponent has proposed 12 long vehicle spaces within the southern car park with an equivalent two standard car spaces be used, giving an overall space length of 11m so the variable combination of long vehicle types can be accommodated.

Until the engineering design plans for Moona Creek Road are received by Council it is not possible to predict what aggregate on-street car parking is achievable. Every endeavour should be made to limit potential car parking/ pedestrian conflict on Moona Creek Road.

The required road standards will apply and to this end the following are suggested:

- Taxi and community bus spaces should be allocated as parallel parking (not angled parking). The required length of the bus bay is to satisfy road standards, potentially some 45m in length.
- Angled parking should be at 45 degrees and signposted as rear to kerb, as this is safer and easier for drivers to navigate taking into account loading of car boots from shopping trolleys.
- 45 degree angled parking should be located on Moona Creek Road, at the northern end and east of Halloran Street only.

- Parallel parking should only be considered on the northern side of Moona Creek Road and preference could be considered for signposting these sections for long vehicles only, assuming a nominal kerb length of 11m per vehicle.
- Pedestrian refuges should be located in the median strips and a single marked zebra crossing alone is unacceptable on Moona Creek Road given the volume of vehicles this road will eventually carry. As advised in earlier submissions, median strips where a pedestrian refuge is provided are to be 2m wide. The pedestrian movement pathways to safe crossing points will be considered with the assessment of the Moona Creek construction design.

Council, as the road authority will assess the geometric requirements within Moona Creek Road once road design and construction plans are submitted to Council by Stockland. However, it must be noted that should the consent authority not respond to the issues raised in this submission, future road design and construction plans may be deemed unacceptable by Council and therefore it is likely the Traffic Committee will not approve the plans.

3.4 Recommendation to address provisions for car parking

Since the constructions in Moona Creek Road will be by Stockland, it is recommended to Fabcot that they request that Stockland consult with Council as soon as practical to assist in the preparation of the road design construction plans that will be the basis of Council assessment under the Roads Act.

If the Department accepts Councils submission it is possible the Mod 3 approval can establish the aggregate number of car spaces to be provided in Mod 3 on the understanding this will be a combination of some available on-street spaces as part of the roads authority approval and the remainder being provided on site. The on-site numbers may then require some amendment of the staged car park layouts shown on the Rice Daubney drawings and the Cardno civil design drawings.

4.0 Car Parking assessments and associated issues.

The EA report for Mod 3 has recalculated the floor areas that are assessable in the provision of car parking under DCP18. Because the Mod 3 building footprint incorporates enclosed areas previously not calculate the recalculation is shown in the following tables. Council is prepared to accept the surveyed calculations submitted for the purposes of assessment of required car parking.

The car parking proposed is included in the proposed modified condition 1.1 (c).

The Tables, below, outline issues from the EA Report.

Table 1 - Modification 2 approval

Stage	Assessable Floor areas from Mod 2 EA (m ²)	DCP 18 required spaces	Provided on site	Provided on street
Stage 1	22,510	958	1040	50*
Stage 2	9290	389	265	
Totals Stage 1+2 complete	31,800	1347	1305	50*
			Total proposed	1355

Table 2 – Modification 3 application

Stage	Assessable Floor areas from Mod 2 EA (m ²)	DCP 18 required spaces	Provided on site	Provided on street
Stage 1A	20,734	876	934	71*
Stage 1B	1,197	50	50	
Stage 2	8412	402	285	
Totals Stage 1A, 1B +2 complete	30,343 #	1328	1269	71* (51 east of Halloran Road)
			Total proposed	1340
Summary; Assume long vehicle spaces counted as 2			Remove 20 on-street as recommended	1320
			Deficiency	8 spaces**

#does not include enclosed mall floor areas and identifies areas

* not including taxi pick-up

** locate 8 spaces to extend south-east car park

4.1 Long Vehicle parking

The Mod 2 approval requires provisions for 12 long vehicle parking spaces in Stage 1 (now Stage 1A) and these are identified in plan DA1203 - adjacent to words "south east car park". The proponent seeks to have these counted as equivalent to 24 single car spaces. DCP18 is silent on this matter. It is deemed important that long vehicle parking is readily accessible otherwise it may not be utilised for that purpose. It is suggested that it would be better located and signposted as such, as on-street parking on the north-western side of Moona Creek Road. This would replace the standard on street parking proposed in that location as referred to in Section 3, above.

The Mod 3 application includes in Appendix D the civil drawings. Drawing 46863-PO, 46863-PO, 46870-PO relate to the area of the long vehicle car park. The latter drawing shows a kerb that will not permit "drive-through" use of the spaces.

The proponent should correct this matter in conjunction with the final car parking layout that includes provisions for long vehicle car parking.

5.0 Statement of Commitments (SoC)

The proponent has submitted proposed amendments (dated March 2011) to the Mod 2 approved SoC. (Appendix L).

Council requests that the commitments in SoC 11, 28, 29, 30, 31, 45 and 46 not be accepted as proposed and that the full description of the commitment be stated, not just a reference to a clause number in the Mod 2 approval. The reason is that the modified SoC should stand alone for clarity of future assessment of compliance rather than be reliant in making reference to other and earlier documents.

Council requests the following commitment amendments be required:

- (a) SoC 17 be amended by changing Stage 1 reference to "Stage 1A"
- (b) SoC 47 be amended by changing "Stage 1" to be "at each stage"
- (c) SoC 45 include Stage 2 loading dock in controlled hours to mitigate acoustic nuisance to residential occupants in the area north of Moona Creek Road.

Table 3 – Timing for SoC Compliance

Council requests the following further amendments in respect of the Timing of certain commitments:

SoC No.	Additional words	SoC No	Additional words
4	of each stage	20	For the item about centre management – add timing to be "from the issue of the Occupation Certificate of Stage 1A"
5	of each stage	42	Amend Stage 1 reference to Stage 1A.
8	for Stage 1A	50	Amend the 12 months period to be "6 months" to assist tenants to have access to the Guide as they plan their tenancies.
11	within 2 months of the closure of the access road to the Council's leisure centre	17	Add after 3 years words " from the occupation certificate for Stage 2. This is consistent with the original approval commitment for the VDC Stage 1 approval.

6.0 Consequential amendments to Mod 2 Approval Conditions

Schedule 2 of the Mod 2 approval identifies those conditions amended by Mod 2. The original conditions of the VDC dated 25 January 2009 remain except where modified by the Mod 2 approval.

As a consequence of the Mod 2 Stage 1 being split into Stage 1A and Stage 1B, the following Mod 2 approval conditions should be amended from "Stage1" to read requirements being at "Stage 1A or other stage, as appropriate, as follows,

Table 4 – Requested amendments to Mod 2 approval conditions

Mod 2 condition	Requested amendment
2.1 (i)	amend "Stage 1" to read "Stage 1A"; amend "Stage 2" to read "Stage 1B and Stage 2".
2.15	amend reference to "Stage 1" to read "Stage 1A" – this is in 3 places in this condition.
2.24	amend "Stage 1" to read "Stage 1A"
2.33	amend "Stage 1" to read "at each stage". This is due to the staging of the development and cumulative mitigation measures that may be applied.
2.43	Amend "Stage 1" to read "Stage 1A". The condition provides that Council can opt out of the library being in the first stage work within 6 months of the Mod 2 approval.

7.0 Other issues

The following matters are raised for clarifications to be provided:

7.1 Building design

Council notes the modification with enclosed malls will alter the original concept approval based on the external design reached through consultation and the design competition. The Jury Report of 2007 from the design competition for the VDC and VDC Concept approval sets the parameters for the building design features. The project approval for the VDC Stage 1 in 2009 made design amendments that have been accepted by the Department.

The subsequent Mod 3 application further amends the design by providing enclosure to two internal malls and retains a central "arbour walk" mall that is not enclosed. Council requests that the "Broadwalk" mall also remain unenclosed as both open malls will provide the focal corridors that were part of the original "coastal design" proposal.

Council understands the Department will weigh this factor up when assessing the modification to the building form. The openness of the central spine through the centre was a key urban design feature which may well be compromised by the latest modification.

7.2 Stage 1B car parking

There is conflict between Site Image Landscape Plan LA01-D and the Rice Daubney Phasing Plan DA0103-V in the placement of the Stage 1B works. This should be clarified to identify the appropriate plan which the approval will be based upon.

7.3 Water tank

Rice Daubney Plan DA1202 –U shows a water tank at the entry/exit from the car park to Moona Creek Road. There is no elevation or description to show the scale of the tank above ground for an appreciation of impacts and any screening or landscape treatment. This location is a "gateway" point to the car park and the development .

Council seeks information of the water tank proposal to enable consideration. This area should have an appropriate treatment and not be an exposed water tank alone.

7.4 Pylon Signs

The site plans show proposed pylon signs adjacent to the Moona Creek Road / Naval College Road and also the access road at "Access D" on The Wool Road. This type of sign requires compliance with DCP 82 and for signs above a 5.0m height a development application process is required.

The applications for the VDC and VCV Concept and the VDC Stage 1 and modifications to date have not provided details that enable an approval under Part 3A.

Fabcot should be requested to provide details of the pylon sign if it seeks approval under this application or it should be identified as not being part of the application. If it is to be included details of heights, type and scale are required for assessment.

In the previous submissions Council has requested the future pylon sign at "Access D" be located so that a second entry lane off The Wool Road can be provided if necessary without a further relocation of the future pylon sign. The requirement for a second lane has not been established but has been flagged as a possibility to assist the operations of the District Centre.

7.5 Waste Management Plan

Appendix E – Waste Management Plan, cl 6.2 refers to grease traps being registered with Sydney Water and being cleaned as per their frequencies. This is an incorrect reference. The wastewater authority is Shoalhaven Water and appropriate trade waste agreements will be required. The appendix should be amended to change the authorities name to "Shoalhaven Water".

8.0 Conclusion

Council requests the Department to require further amendments and clarifications based on the matters raised in this submission and requests these be submitted to Council to consider alternate amendments..

T. Fletcher
Director, Development & Environmental Services

9 June 2011

Appendix 1 – Traffic Unit Response (over)

General Comments – Moona Creek Road **Appendix 1 – Traffic Unit Response**

General Comments – Moona Creek Road

Council Traffic Unit object to the current design (Moona Creek Road) based on anticipated traffic volumes and pedestrian / parking conflicts.

Council is ultimately the roads authority and has concerns regarding the layout of Moona Creek Road.

Council Traffic Unit's suggested amendments are minor in nature with objective of significant safety improvements.

Council Traffic Unit is requesting that the DoP direct the applicant to make amendments which are summarised below;

- Moona Creek Road (between Naval College Road and the car park access) > two lanes northbound in Moona Moona Creek Road including a single through lane and a single separate right turn bay (right turn lane) for protection of traffic turning into the car park. The applicant advises this has been incorporated, however Council has not seen revised plans. It is not reflected on the Modification 3 plans.
- Moona Creek Road (between Naval College Road and the car park access) > two lanes southbound (exit to Naval College Road). The applicant advises this has been incorporated, however Council has not seen revised plans. It is not reflected on the Modification 3 plans.
- Moona Creek Road (between Naval College Road and the car park access) > median; of minimum 900mm width (include RTA pedestrian fence along full length of median in this section). If no fence is proposed by the applicant a wider median would be required. 2m would be the suggested minimum median width. On the basis of suggested additional parallel parking on the western side of Moona Creek Road the 900mm median and RTA standard pedestrian fence should be provided along this full length. It is not reflected on the Modification 3 plans. Any additional parking in this section shall be west side (parallel) only and appropriate for use by long vehicle parking only.
- Moona Creek Road (intersection with car park access) > design must ensure that all traffic exiting the car park be forced to turn left out only by way of physical traffic island. Traffic Unit consider that it would be unsafe to allow traffic to turn right out at this location. Traffic may turn "in" to the car park from either direction. It is noted that the applicant has not accepted this restriction however Council as the roads authority will not approve plans without such restriction so it should be incorporated in to the design. If traffic is delayed at the car park access motorists can turn left and go around the roundabout. This is exactly what Council are suggesting however to eliminate the risk of incidents Council require physical works to force traffic to turn left out only. This is not a major works requirement and should be addressed. It is not reflected on the Modification 3 plans.
- Moona Creek Road (between car park access and Halloran Street) > single lanes in each direction accepted. On the basis of suggested bus stops and additional parallel parking on the western side of Moona Creek Road there must be minimum 900mm

median and RTA standard pedestrian fence should be provided along this full length. This is not reflected on the Modification 3 plans. A wider median (suggested minimum 2m) in conjunction with RTA standard pedestrian fencing should be considered on the basis this would present opportunities for land scaping along the median which would improve the appearance and amenity of the area. Parking in this section shall comprise west side (parallel) appropriate for use by long vehicle parking only. The bus bay (west side) needs to be amended to comply with AUSTROADS standards. The bus bay (east side) needs to be amended to comply with AUSTROADS standards. Parking in this section shall comprise east side (parallel parking only which shall include taxi and community bus zone and any residual kerb length can be allocated to general purpose parking with appropriate time restrictions).

- Moona Creek Road (intersection with Halloran Street) > A mountable roundabout of inscribed circle R10m can be provided within the available road reserve and this should be addressed by the applicant in the interest of traffic and pedestrian safety. This would enable appropriate traffic management and safe pedestrian crossing opportunities on each leg of the roundabout. The marked foot crossings proposed on either side of the intersection are not accepted and unlikely to be accepted by RTA and Local Shoalhaven Traffic Committee.
- Moona Creek Road (between Halloran Street and eastern roundabout) > single lanes in each direction is accepted; and median; of minimum 2m width. No fence required along this section of median, however landscaping could be provided to improve the appearance and amenity of the area with designated pedestrian crossing points. On street car parking shall be parallel (west side) and 45 degree (rear in) east side. The cross section shall be (east to west): 3.6m footpath reserve, 9.8m allowance for 45 degree angled car parking bays (reverse in only) and southbound traffic lane, 2m median, 3m northbound traffic lane, 3m northbound parallel parking lane, and 3.6m footpath reserve (total 25m road reserve). Parking in this section of Moona Creek Road shall be time restricted (both sides) to prevent all day use by employees of the centre.
- Moona Creek Road (at eastern roundabout) > roundabout is accepted; ensure non-mountable roundabout is provided of inscribed circle R16m to satisfy the requirements for large rigid buses to turn around and semi-trailer access to the eastern component of the development.