

PERTH
SYDNEY



SUBMISSIONS REPORT

Modification of Project Application No. 06_0205 (Mod 3)

URBAN DESIGN AND TOWN
PLANNING

Vincentia District Centre

for Fabcot Pty Ltd

July 2011

211.09.058.33 SUB RPT

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

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Submissions Report
Vincentia District Centre Mod 3



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1. INTRODUCTION

This report has been prepared on behalf of the proponent Fabcot Pty Ltd (Fabcot), as the proponent's response to the submissions. The submissions received by the Department of Planning and Infrastructure including Shoalhaven City Council (SCC) dated 9 June 2011 (final version supplied 23 June 2011), and Vincentia Ratepayers and Residents Association (VRRA) dated 20 May 2011 and further comments via email dated 12 June 2011 to the notification of Modification 3 of Project Application No. 06_0205 (Mod 3) for the Vincentia District Centre (VDC).

Each submission has been addressed separately, with input from specialist consultants and Compass Project Management (CPM) where necessary, as follows:

Appendix A: Amended architectural drawings – Rice Daubney

Appendix B: Amended civil drawings - Cardno

Appendix C: Amended landscape drawings – Site Image

Appendix D: Statement of Commitments - Mod 3 July 2011 - tpg

Appendix E: Survey Information and Car Parking Calculations – Lockley Land Title Solutions

Appendix F: Response to parking issues - Halcrow

Appendix G: Additional information associated with size of emergency water tanks - DSC

Appendix H: Revised Waste Management Plan – CPM

Appendix I: Summary of Drawing Changes - CPM

Appendix J: Original jury Panel Report - 2007



2. SHOALHAVEN CITY COUNCIL SUBMISSION

2.1 SUMMARY OF MATTERS RAISED IN COUNCIL SUBMISSION

Table 1 provides a summary of the matters raised in Council's submission and the proponent's responses:

Table 1: Summary of Council Submission and Proponent's Responses

	Reference	Response
1.0	<i>Para 1, last sentence; "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."</i>	Northern Commercial building deferred to Stage 2, not omitted.
2.1	<i>Condition 1.1(c) – description requested of each stage per Mod 2 (GFA etc).</i>	Refer to Section 2.2 below. Details of the drawing changes can be found at Section 2.2.
3.1	<i>Amendments to Moona Creek Road layout.</i>	The drawings submitted with Mod 3 in March 2011 reflected the information shown in the original approved Stage 1 Project Approval and as referred to under SoC 36 in Mod 2. The proponent has considered the matters raised by Council and has now amended the drawings so as to take on board the Council's requirements for Moona Creek Road. As a consequence the on-site car parking in the south-east car park has been modified to ensure car parking numbers are in accordance with the minimum required under DCP 18. Revised architectural drawings can be found at Appendix A , revised civil engineering drawings can be found at Appendix B and revised landscape drawings can be found at Appendix C . Refer to Section 2.3 below.
3.2	<i>Final paragraph: "There is no traffic analysis from the proponent to negate Council's concerns."</i>	Information submitted with this Submissions Report does not introduce any new traffic conditions and therefore there is no change from previous traffic assessments completed by Halcrow/MWT which have been previously assessed as satisfactory in previous approvals.
3.3	<i>Para 1- "The proponent has proposed 12 long vehicle spaces within the</i>	Refer consent condition as issued in Mod 2 Instrument of Approval - 2.24.



	Reference	Response
	<i>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."</i>	This has been confirmed previously with Council via email to John Britton that each long vehicle space can count as two regular parking spaces.
3.3	<i>•Taxi and community bus spaces should be allocated as parallel parking (not angled parking).</i>	Drawing information has been amended – refer to Appendices A, B and C.
3.3	<i>•Angled parking should be at 45 degrees and signposted as rear to kerb, as this is safer and easier for drivers to navigate.</i>	Drawing information has been amended – refer to Appendices A, B and C.
3.3	<i>•45 degree angled parking should be located on Moona Creek Road, at the northern end and east of Halloran Street only.</i>	Drawing information has been amended – refer to Appendices A, B and C.
3.3	<i>•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.</i>	Drawing information has been amended – refer to Appendices A, B and C.
3.3	<i>•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.</i>	Drawing information has been amended – refer to Appendices A, B and C.
3.3	<i>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.</i>	Drawing information has been amended – refer to Appendices A, B and C.
3.4	<i>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.</i>	The proponent has considered the matters raised by Council and has now amended the drawings so as to take on board the Council's requirements for Moona Creek Road, as a consequence the on-site car parking in the south-east car park has been modified to ensure car parking numbers are in accordance with the minimum required under DCP 18. Drawing information has been amended – refer to Appendices A, B and C. Refer to Section 2.3 below.



	Reference	Response
4.0	<i>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 calculated 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.</i>	<p>The proponent has considered the matters raised by Council and has now amended the drawings so as to take on board the Council's requirements for Moona Creek Road, as a consequence the on-site car parking in the south-east car park has been modified to ensure car parking numbers are in accordance with the minimum required under DCP 18. Drawing information has been amended – refer to Appendices A, B and C.</p> <p>Refer to Section 2.3 below.</p>
4.0	<i>Council comparison of parking requirements / provisions includes on street parking & identifies 8 space shortfall if 20 on street removed.</i>	<p>The proponent has considered the matters raised by Council and has now amended the drawings so as to take on board the Council's requirements for Moona Creek Road, as a consequence the on-site car parking in the south-east car park has been modified to ensure car parking numbers are in accordance with the minimum required under DCP 18. Drawing information has been amended – refer to Appendices A, B and C.</p> <p>Refer to Section 2.3 below.</p>
4.1	<i>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.</i>	<p>Agreed in principle, but this is not practical to implement, as only 8 long vehicle spaces can be accommodated on-street and therefore would still need to provide 4 on-site long vehicle spaces. Consent condition in Mod 2 Ministerial Instrument of Approval states total number required, the Construction Certificate drawings will address this requirement and no change is requested to this condition in Mod 3. Drawing information has been amended – refer to Appendices A, B and C.</p>
4.1	<i>Anomaly on Cardno plan reference to long vehicle parking.</i>	<p>Civil drawings have been amended accordingly, refer to Appendix B.</p>
5.0	<i>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</i>	<p>No changes are proposed to these commitments in Mod 3. The proponent does not agree and Mod 3 does not seek to amend these elements which formed part of Mod 2 approval.</p>



	Reference	Response
	<i>assessment of compliance rather than be reliant in making reference to other and earlier documents.</i>	
5.0	<i>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.</i>	The matters have been addressed with the Statement of Commitments – July 2011 at Appendix D .
5.0	<i>Table 3- Proposed change to Timing of Commitments</i>	No change is proposed to the timing of the items outlined in the Statement of Commitments – July 2011 at Appendix D .
5.0	<i>SoC 4 & 5 add ‘of each stage’</i>	No change is proposed to the timing of the items outlined in the Statement of Commitments – July 2011 at Appendix D .
5.0	<i>SoC 8 add- “for Stage 1A”</i>	This has been changed as outlined in the Statement of Commitments – July 2011 at Appendix D .
5.0	<i>SoC 11 add- ‘within 2 months of the closure of the access road to the Council’s leisure centre’</i>	Condition 2.42 of the Ministerial Instrument of Approval already addressed this and Mod 3 does not seek to alter condition 2.42.
5.0	<i>SoC 20 For the item about centre management – add timing to be “from the issue of the Occupation Certificate of Stage 1A”</i>	The commitment has been amended – refer to Appendix D .
5.0	<i>SoC 42 Amend Stage 1 reference to Stage 1A.</i>	The commitment has been amended – refer to Appendix D .
5.0	<i>SoC 50 Amend the 12 months period to be “6 months” to assist tenants to have access to the Guide as they plan their tenancies.</i>	No change is proposed to this item outlined in the Statement of Commitments – July 2011 at Appendix D .
5.0	<i>SoC 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.</i>	No change is proposed to this item outlined in the Statement of Commitments – July 2011 at Appendix D .
6.0	<i>Table 4 proposed changes to Mod 2 Conditions</i>	



	Reference	Response
6.0	<i>Condition 2.1(i) - amend "Stage 1" to read "Stage 1A"; amend "Stage 2" to read "Stage 1B and Stage 2".</i>	Agree, refer to Section 2.4 below. Request Department to amend condition 2.33 to reflect Stage 1A as per discussion in Section 2.4 below.
6.0	<i>Condition 2.15 - amend reference to "Stage 1" to read "Stage 1A" – this is in 3 places in this condition.</i>	The amended architectural reference a phasing plan and shows Staging. Request Department to amend condition 2.15 to reflect Stage 1A as per discussion in Section 2.4 below.
6.0	<i>Condition 2.24 - amend "Stage 1" to read "Stage 1A"</i>	Request Department to amend condition 2.24 to reflect Stage 1A as per discussion in Section 2.4 below.
6.0	<i>Condition 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.</i>	Request Department to amend condition 2.33 to reflect Stage 1A as per discussion in Section 2.4 below.
6.0	<i>Condition 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.</i>	Request Department to amend condition 2.43 to reflect Stage 1A as per discussion in Section 2.4 below. Request department to amend condition 2.26 to reflect Stage 1A.
7.1	<i>Building Design</i> <i>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.</i>	Disagree: Jury Panel Report recommends to "further develop design to review open air areas in key retail locations to ensure customer amenity & to enable a best practice environment for retailers" – refer to Appendix J . Proposed enclosure is therefore in compliance with Jury Panel recommendation.
7.1	<i>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.</i>	Disagree: Jury Panel Report recommends to "further develop design to review open air areas in key retail locations to ensure customer amenity & to enable a best practice environment for retailers" – refer to Appendix J . Proposed enclosure is therefore in compliance with Jury Panel recommendation.
7.1	<i>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</i>	The original central spine is known as "Arbour Walk" which is to remain open.



	Reference	Response
	<i>compromised by the latest modification.</i>	
7.2	<i>Stage 1B Car Parking</i>	The amended drawings make clear the phasing proposed in Mod 3.
7.3	<i>Water tank. 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.</i>	<p>This is the fire sprinkler tank. NSWFB determine where this has to be located in respect of depth of invert which is determined by booster pump location which in turn is fixed a maximum from boundary. It is Fabcot's intent to screen this as far as practicable due to location at main entry.</p> <p>Shoalhaven Water reviewed plans from an early stage and are aware of tank location.</p> <p>Refer to memorandum prepared by DSC dated 1 July 2011 at Appendix G.</p>
7.4	<i>Pylon Signs - no details provided</i>	<p>Mod 2 Ministerial Instrument of Approval consent condition 2.41 provides for all signage to be per DCP 82 and acknowledged that a separate application is required.</p> <p>These have not changed from Mod 2.</p>
7.5	<i>Waste Management Plan - wording anomaly</i>	Refer to Revised Waste Management Plan at Appendix H .
	<i>Appendix 1 - Moona Creek Road Design</i>	Mod 3 design changes have been implemented to assist Council, refer to Appendix B amended civil drawings.

2.2 DESCRIPTION OF MODIFICATION

The proponent seeks to change Modification 2 for the following reasons:

1. Since Fabcot acquired the VDC site in 2009 and commenced the process for the last modification with the Department of Planning and obtained an approval for that modification in March 2011, the retail sector in the economy has changed with the increase in interest rates, reduced amount of disposable income and growth of on-line shopping. The proponent has reconsidered the proportion of specialty shops to support the first stage of the VDC as part of the feasibility of the development, as such Stage 1 as approved in Modification 2 has been "split" into Stage 1A and 1B. The proponent has obtained a supplementary Economic Impact Assessment by Pitney Bowes which can be found at Appendix I of the Mod 3 EA and this demonstrates the change in staging is acceptable,
2. The VDC as approved has an unenclosed "mall" for all the common circulation areas referred in the drawings as "canopy walk", "board walk" and "arbour walk". Part J of the 2010 Building Codes of Australia (BCA) requires "conditioned spaces"



to have closed shop fronts for sealing purposes so as to comply with the energy efficiency requirements and only provides concessions associated with cafes, restaurants or the like. The draft version of the 2011 BCA sought to remove this concession, and it is understood this will not proceed on 1 May 2011, however this requirement may be implemented in the future and as the VDC is staged development it is necessary to provide certainty for the overall project now. As such, a design solution for the overall development is proposed so as to comply with Part J (now and into the future) and provide for a suitable environment within part of the VDC in which it has been considered essential to provide a conditioned space by the enclosure of the “board walk” and the “canopy walk”. The interpretation of the 2010 BCA matter has been addressed by McKenzie Group Consulting as detailed in Appendix F of the Mod 3 EA,

3. Vincentia experiences weather extremes. The enclosure of part of the VDC will provide all weather protection from wind, rain, heat, cold as the south coast climate in the area can change rapidly, this is detailed in the report by Cundall which can be found at Appendix J of the Mod 3 EA. This report demonstrates in detail the need to enclose the mall area is not only a BCA issue but also based on environmental impacts from weather which need to be addressed to ensure that the centre provides an appropriate environment,
4. The enclosure of part of the VDC as proposed will provide an air lock to shops to prevent loss of stock due to weather elements intruding into shop spaces,
5. The enclosure of part of the VDC will provide a level of comfort to customers and employees of the centre throughout the year,
6. The enclosure of part of the VDC is sensible for a retail centre of this size and will ensure long term tenancies can be achieved and therefore will contribute to the success of the VDC in the future,
7. The enclosure of part of the VDC will not increase the Gross Leasable Floor Area (GLA) as these are common circulation areas used by the customers of the centre between shops,
8. The enclosure of part of the VDC as a design change does not alter the layout of the site or increase the bulk and scale of the development as the space between the buildings has already been approved,
9. Other centres which have failed to undertake enclosed “mall” or circulation areas such as that proposed in the VDC have subsequently sought to amend the design as shop customers and shop tenants have demanded the change,
10. The design change still meets the urban design intent of the original design excellence process as is demonstrated by the Design Statement which can be found at Appendix B of Mod 3 EA, and the design change can be managed such that the ESD objectives will be maintained.



The EA as submitted for Mod 3 advised that the Modification seeks to amend condition 1.1, as follows:

Modification 3 seeks approval for the following, (which can be considered as a change associated with Condition 1.1 in Schedule 2 of the Instrument of Approval):

- (a) Site preparation works (including earthworks and vegetation clearing) associated with Stage 1A, Stage 1B and Stage 2,*
- (b) Subdivision to create 12.16 ha Lot upon which the Vincentia District Centre will be constructed;*
- (c) Stage 1A having approximately 20,734m², Stage 1B having approximately 1,197m² with the completion of Stages 1A and 1B some 21,931m² and some 2,928m² of enclosed mall, Stage 2 approximately 10,069m² and approximately 2,060m² of enclosed mall,*
- (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, Wool Road, external road works, footpaths and open space areas),*
- (f) A minimum of 876 cars in Stage 1A, a minimum of 926 car in Stage 1B and a minimum of 1,328 cars in Stage 2,*
- (g) provision of infrastructure for water, sewerage, electricity and telecommunications,*
- (h) water sensitive urban design, and*
- (i) associated works and road works.*

Modification 3 drawing changes were summarized in the EA as follows:

Submissions Report
 Vincentia District Centre Part 3A Modification



NO.	LOCATION	DESCRIPTION
DA0103	General	Staging changed to include additional stage 1A General amendments as detailed below for DA1201, DA1202, DA1203
DA1201	Moona Creek Road	Parking configuration and associated planting amended
	North Carpark	Additional spaces provided
DA1202	South carpark – East	Parking configuration amended Water tank and associated pump room added
	South carpark – General	Landscaping amended – see landscape architect drawings for details. Relative levels and falls amended Walkways amended Short stay drop-off parking bays included.
	North East	DDS floor plan amended
	Moona Creek Road	Parking configuration and associated planting amended
	Boardwalk	Enclosed environment to comply with Part J Automated glass sliding doors incorporated at South & North end of Boardwalk Tenancy layouts revised Revised walkways and levels Additional indoor planting shown
	Canopy Walk	Tenancy layouts revised, note the internal layouts are indicative only
	Landscaped garden	Walkways, landscaping & Children's Play Area modified to suit revised levels and revised tenancy layout.
DA1203	South carpark – West	Parking configuration and associated planting amended. Relative Levels and ramp gradients amended
	Supermarket 3	Supermarket 3 floor plan amended Revised loading area Service & Fire access waiting and manoeuvring area included.
DA1501	North Elevation	Enclosed mall facade, sliding glass doors entry defined Elevation to Moona creek, roof pitch amended
	East Elevation (top)	Specialty & Foodcourt tenancies amended Enclosed Boardwalk to comply with Part J Mechanical plant shown enclosed within architectural roof top features
	East Elevation (bottom)	Specialty tenancies amended Roof pitch amended Landscape amendments – see landscape architect drawings for details.
DA1502	West Elevation (top)	Wall finishes amended
	West Elevation (bottom)	Wall finishes amended Roof pitch and extent amended
	South Elevation (top)	Roof pitch and extent amended Mechanical plant shown enclosed within architectural roof top features Enclosed Boardwalk to comply with Part J
	South Elevation (bottom)	Mechanical plant shown enclosed within architectural roof top features Roof pitch and extent amended Enclosed Boardwalk to comply with Part J Extent of Gabion wall amended



NO.	LOCATION	DESCRIPTION
DA1601	East-West	Elevation to Moona creek, roof pitch amended Canopy Walk roof section amended Roof top mechanical revision
	North-South (top)	Roof sections and pitch amended
DA1602	East-West (top)	Mechanical plant shown enclosed within architectural roof top features Roof pitch and height amended Enclosed Boardwalk to comply with Part J
	East-West (bottom)	Enclosed Boardwalk to comply with Part J Mechanical plant shown enclosed within architectural roof top features
DA1901	Moona Creek Road	Roof pitch amended
DA1902	Moona Creek Road	Roof pitch amended
DA1905	South Carpark Entrance	Enclosed Boardwalk to comply with Part J
SD0001	General	Revised shadows to suit amended roof pitches and heights as noted above.
FS0001	General	Architectural revisions as covered in DA1501. Revised finish location markers to suit
FS0002	General	Architectural revisions as covered in DA1502 Revised finish location markers to suit
SK 074	General	Revised overlay of development Application over previous approved.

2.3 CHANGES TO DRAWINGS

To assist with understanding the design changes with this submissions report, the drawings changes have been summarise by CPM as follows:

DA0103 Rev W Phasing Plan

- Staging plans revised to reflect revisions to Moona Creek Road for on street parking layout and road design per Cardno revisions following Council comments 09th June 2011
- Moona Creek Road parking layout now provides for following per Council comments 09th June 2011
 - 8 long vehicle parallel parking spaces on west side of Moona Creek Rd opposite access C;
 - 14 single parallel parking spaces on west side of Moona Creek Rd north of Halloran Street
 - 22 rear to the kerb 45 deg parking spaces on east side of Moona Creek Road north of Halloran Street
 - 3 parallel parking spaces for taxis on east side of Moona Creek Road north of Halloran Street
 - 2 bus bays per AUSTROADS standards
 - 3 parallel parking spaces on east side of Moona Creek Road south of Halloran Street
- South East parking layout revised to accommodate balance of on-site parking required to comply with minimum parking requirements per DCP 18 and LLTS survey / Halcrow report issued with Modification Nr 3. This includes the 4 additional long vehicle parking spaces required per consent conditions to Mod. 2, utilizing 8 drive through single spaces.



DA1201 rev S Final stage plan (North East)

- Revisions to Moona Creek Road layout per notes for DA0103 Rev W

DA1202 rev S Final stage plan (North West)

- Revisions to Moona Creek Road layout per notes for DA0103 Rev W
- Water tank note revised to Sprinkler Tank & note added to refer to landscape drawings for screening to tank

DA 1203 rev Q Final stage plan (South East)

- South East parking layout revised to accommodate balance of on-site parking required to comply with minimum parking requirements per DCP 18 and LLTS survey / Halcrow report issued with Modification Nr 3. This includes the 4 additional long vehicle parking spaces required per consent conditions to Mod. 2, utilizing 8 drive through single spaces.

Cardno- Revised Civil Drawings

Dwg No.	Type	Drawing	Date	Rev
46860	CIVILWORKS	GENERAL ARRANGEMENT	5.07.11	P1
46861	CIVILWORKS	ROADING & DRAINAGE	5.07.11	P1
46863	CIVILWORKS	ROADING & DRAINAGE	5.07.11	P1
46864	CIVILWORKS	ROADING & DRAINAGE	5.07.11	P1
46865	CIVILWORKS	ROADING & DRAINAGE	5.07.11	P1
46870	CIVILWORKS	KERBS & RETAINING	5.07.11	P1
46871	CIVILWORKS	PAVEMENT TYPES	5.07.11	P1
46893	CIVILWORKS	CLEARING	5.07.11	P1

Refer Cardno letter dated 5 July, 2011 for scope of revisions.

Site Image – Landscape Drawings

- LA-01 Issue E -Dated 06.07.2011
 - Revised staging plan per revised detailed plans LA-03, 04, 05 to reflect revised Moona Creek Rd layout & staged parking layout for south east corner per Rice Daubney plans
- LA-02 Issue E -Dated 06.07.2011
 - Revised overall parking layout per Rice Daubney final stage plan- Moona Creek Rd & South East car park
- LA-03 Issue E -Dated 06.07.2011
 - Revise Moona Creek Road parking layout per above
 - Revise south east car park layout per revised RD staging plan
 - Show 4 nr drive through parking spaces for long vehicles in south east parking area per RD plan
- LA-04 Issue E -Dated 06.07.2011



- Same as for LA-03
- Extend south east car park for additional spaces per RD revised staging plan
- LA-05 Issue E -Dated 06.07.2011
 - Revised Moona Creek Road parking layout as above
 - Revised south east corner car parks per final stage 2 plan (RD- DA-1203)
- LA-07 Issue E -Dated 05.07.2011
 - Detail B- Added notes ref feature stone wall and screen planting to sprinkler tank

2.4 CAR PARKING RESPONSE

The proponent seeks to respond to the matter raised by the Department in email dated 23 June 2011, which states:

Can you please include in your response to submissions comment on the following matter:

- 1. The application states that enclosing the walkways is being done to improve the amenity and safety for shoppers. Basically making it a better centre.*
- 2. A better centre will attract more shoppers.*
- 3. More shoppers will require more parking, but the car parking calculations submitted exclude the enclosed walkways.*
- 4. How does Fabcot propose to accommodate these additional shoppers coming to the centre now that its amenity has been improved with this enclosing?*

And in further email dated 23 June 2011 from the Department sought advice in response to the following query:

The EA states that there will be 2,928sqm of enclosed mall with Stages 1A and 1B. Could you please provide a breakdown of this enclosed mall area for each of these two stages.

To respond to these matters, the proponent has revisited the calculation attributed to car parking as a result of the proposed changes in Mod 3 and sought advice from Halcrow and Lockley Land Title Solutions.

Shoalhaven City Council's DCP 18 – Car Parking (DCP) includes definitions as follows:

Gross Leaseable Floor Area means the sum of the areas at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors, parking areas and designated stock storage areas.

And,

Public Dining Area means that area set aside for patrons to eat meals and excludes kitchen, bar and amenity areas but includes reception areas.

In letter dated 30 June 2011, Lockley Land Title Solutions (refer to **Appendix E**) have confirmed their drawings as submitted at Appendix H of the Mod 3 EA are correct. Lockley Land Title Solutions have also confirmed the car parking rates applicable to the proposed development as follows:



2. We confirm that in accordance with the DCP the following ratios were used in the calculations

- a. Commercial Premises (as land not zoned as 3A)- 1 space per 40 sqm Gross Floor Area
- b. Retail: Shops- 1 space per 24 smq of Gross Leasable Floor Area
- c. Retail: Supermarkets- 1 space per 19 smq of Gross Leasable Floor Area
- d. Retail: Designated Storage-1 space per 50 smq of Gross Floor Area
- e. Food Court- 1 space per 6.5 sqm of Public Dining Area of Gross Floor Area
- f. Library- 1 space per 24 smq of Gross Floor Area. The DCP does not define the ratio for this specific use but we have utilised this ratio as recommended by Council in communications relating to this project.

The enclosed mall areas in the Lockley Land Titles Solutions drawings of Appendix h of the Mod 3 EA are as follows:

- Stage 1A enclosed mall is the 2,928 square metres (EM1 & EM2 per survey plan at Appendix H of Mod 3 EA);
- Stage 1B enclosed mall is 517 square metres (EM3 & EM4 per survey plan at Appendix H of Mod 3 EA); and
- Stage 2 enclosed mall is 1543 square metres (EM5 per survey plan at Appendix H of Mod 3 EA).

This reinforces the information at Table 1 of the Halcrow report submitted at Appendix G of the Mod 3 EA as follows:

Table 1 – Calculation of Parking Requirements

Use	Area	DCP Parking Rate (Per m ²)	Parking Spaces Required	Minimum Parking Spaces Proposed
Stage 1A				
Supermarket	4,325	1/19	227.6	
Shops	13,339	1/24	555.8	
Storage	1,383	1/50	27.7	
Public Dining	343	1/6.5	52.8	
Commercial	467	1/40	11.7	
Library	0	1/24	0	
Total Stage 1A			875.5	876
Stage 1B				
Supermarket	4,325	1/19	227.6	
Shops	14,536	1/24	605.7	
Storage	1,383	1/50	27.7	
Public Dining	343	1/6.5	52.8	
Commercial	467	1/40	11.7	
Library	0	1/24	0	
Total Stage 1B			925.4	926
Stage 2				
Supermarket	7,030	1/19	370.0	
Shops	18,926	1/24	788.6	
Storage	1,594	1/50	31.9	
Public Dining	343	1/6.5	52.8	
Commercial	1,050	1/40	26.3	
Library	1,400	1/24	58.3	
Total Stage 2			1327.9	1328



The matter raised by the Department has been answered in the letter from Halcrow at **Appendix F**, which states:

DCP Parking Requirements

The requirements for parking (including retail land uses) are specified in Council's Development Control Plan (DCP) No. 18.

Under the definitions prescribed in DCP No. 18 the enclosed mall area would not be considered as "net leaseable area" when used as a public access or pedestrian circulation route as is proposed. Thus under the DCP there is no requirement to provide additional parking for the enclosed mall area.

Therefore as indicated in the Modification No. 3 parking assessment prepared by Halcrow¹ the proposed on site parking provision would comply with the minimum requirements of DCP No. 18.

Estimated Parking Demand

Notwithstanding the above, it is noted that a covered Mall area will provide a more amenable shopping centre. As noted in the updated EIA, it is considered that for this particular location a covered Mall is a key factor to shopping centre viability and its ability to attract customers during adverse weather conditions.

It is noted that the parking rates for retail required in DCP No. 18 are some 7% higher than those specified by the RTA's *Guide to Traffic Generating Developments* (2002).

Furthermore the RTA guidelines are based on peak usage periods, namely Thursday, Friday and weekends, of a shopping centre which is operating viably and fully accommodated by tenants.

The proposed parking provision for the Vincentia District Centre reflects these peak, fully tenanted parking demand conditions.

It is considered that, based on the economic analysis presented in the updated EA, if the Mall areas are not covered then the customer patronage (and thus parking demand) would decrease from the peak, fully tenanted conditions used to determine the appropriate level of parking provisions for the Vincentia District Centre.

Summary

It is considered that with an enclosed Mall the proposed parking provision of at least 1,328 parking spaces would:

- Comply with DCP No. 18 minimum parking requirements; and
- Accommodate the parking demand of a viable, fully tenanted centre operation during typical peak periods.

We trust that the above satisfactorily addresses the Department's queries. If there any further queries please do not hesitate to contact the undersigned.



As such, it is considered that the enclosure of the mall areas as proposed in Mod 3 will not require car parking under the provisions of DCP 18 nor require any additional parking as the enclosure will not be traffic generating in anyway.

The car parking indicated in the drawings is as follows:

Stage 1A

On site stage 1A = 878; on- street 47; total Stage 1A= 925

Total Required = 876

Excess - (including on-street parking) = 49

Stage 1B

On site stage 1B = 948; on- street 47; total Stage 1B= 995

Total Required = cumulative 926

Excess - (including on-street parking) = 69

Stage 2

On site stage 2 = 1295 ; on- street 47 ; total Stage 2= 1342

Total Required = cumulative 1328

Excess - (including on-street parking) = 14

As such, we ask that condition 1.1 in relation to car parking be changed to read as follows:

- (f) A minimum of 876 cars in Stage 1A, a minimum of 926 car in Stage 1B and a minimum of 1,328 cars in Stage 2,

And that on its merits the increase in the overall gross floor area as a result of the enclosure of the mall areas will not result in a more intense development, and the statement in the Mod 3 EA as follows could be supported by the Department in the assessment report:

As a result of the enclosure of the “board walk” and “canopy walk” the overall gross floor area of the VDC will be some 36,988m².

This does not comply with the provisions of Clause 19 of Part 29 in Schedule 3 of the Major Development SEPP.

The increase in the gross floor area is a technical issue insofar as the overall bulk, scale, height and intensity of the approved buildings and its uses as the VDC will not be increased as a result of the proposed enclosed areas in Modification 3.

As such, the proponent requests that the Department of Planning consider the change on its merits as supported by the various technical reports which accompany this EA report.

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To enable the variation of the provision of Clause 19 the proponent requests the Department of Planning as part of the consideration of this Modification also initiate the process to vary Clause 19.



3. VINCENTIA RATEPAYERS AND RESIDENTS ASSOCIATION SUBMISSION

Table 1 provides a summary of the matters raised in the Vincentia Ratepayers and Residents Association (VRRRA) Submissions and the proponent's responses:

Table 2: Summary of VRRRA Submission and Proponent's Responses

Reference	Response
<i>Enclosing the Mall</i> <ul style="list-style-type: none"> ref to Design Competition & original EA; VRRRA consider Mods have downgraded centre VRRRA disagree with climate assertions VRRRA acknowledge that "many in community would support the enclosure" 	<p>No change to previously approved design other than enclosure of mall space; this is compliant with Jury Panel report recommendation to "further develop design to review open air areas in key retail locations to ensure customer amenity & to enable a best practice environment for retailers"</p> <p>No data provided to support claims by VRRRA on climate. Mod 3 EA documentation as submitted includes a report by Cundall at Appendix J.</p>
<i>Revised Staging</i> <ul style="list-style-type: none"> Reducing number of specialty shops 	Accepted by VRRRA as suitable based on local supply.
<i>Revised parking layout -</i> <ul style="list-style-type: none"> shade trees omitted 	Car parking general layout is as per Mod 2 approved design except for inclusion of additional on-site car parking in south-east car park to off-set those removed from Moona Creek Road and complies with DCP.
<i>Library (not part of Mod 3)</i> <ul style="list-style-type: none"> Concern about removal of parking for Library per stage 2 location Want Council to confirm location per Stage 2 State must build Library in Stage 1 to meet 5 year requirement per Council report Dec '09 	<p>Mod 3 does not seek a change to Ministerial instrument of Approval regarding library matters.</p> <p>Fabcot is waiting on a response from Council.</p> <p>No need to change existing consent condition.</p>
<i>Road works (not part of Mod 3)</i> <ul style="list-style-type: none"> understand reasons for Staging & ask DoP to speed up processes beyond Fabcot control. 	Mod 3 does not seek a change to Ministerial instrument of Approval regarding any road works on The Wool Road, design changes as requested by Council have been shown for Moona Creek Road.



Table 3: Summary of VRRRA Further Submission and Proponent's Responses

	Reference	Response
	<p><i>BS 12/6/12</i></p> <ul style="list-style-type: none"> <i>Canopy Walk roof - glass?</i> <i>Main entrance- change from M/C Rd to Boardwalk</i> <i>Panelised finishes - variance from original concept of raw materials</i> 	<p>No change from previous roof design shown in Mod 2, the proportion of roof lights to be used will subject to ESD calculations.</p> <p>Mod 3 design still provides for an entry at Moona Creek Road frontage but not fully developed until Stage 2 undertaken.</p> <p>Finishes shown in Mod 3 are the same as those shown in Mod 2.</p>



4. CONCLUSION

The subject Modification to the Project Approval has been amended having regard to the matters raised in the submissions.

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;
- 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.

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.

As a result of the enclosure of the “board walk” and “canopy walk” the overall gross floor area of the VDC will be some 36,988m². This does not comply with the provisions of Clause 19 of Part 29 in Schedule 3 of the Major Development SEPP. The increase in the gross floor area is a technical issue insofar as the overall bulk, scale, height and intensity of the approved buildings and its uses as the VDC will not be increased as a result of the proposed enclosed areas in Modification 3.

As such, the proponent requests that the Department of Planning consider the change on its merits as supported by the various technical reports which accompany the Mod 3 EA and this Submissions Report.



APPENDIX A

Amended Architectural Drawings – Rice Daubney

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APPENDIX B

Amended Civil Drawings - Cardno

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APPENDIX C

Amended Landscape Drawings – Site Image

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APPENDIX D

Statement of Commitments – Mod 3 – July 2011 – tpg

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APPENDIX E

Survey Information and Car parking Calculations – Lockley land Solutions

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APPENDIX F

Response to parking issues - Halcrow

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APPENDIX G

Additional Information and Advice on Water Tank - DSC

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APPENDIX H

Revised Waste Management Plan - CPM

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APPENDIX I

Summary of Drawing Changes – CPM

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APPENDIX J

Original Jury Panel Report

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