

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 May 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.



Emeritus Professor Kevin Sproats
Member of the Commission



Richard Thorp
Member of the Commission

Sydney 8 August 2011.

SCHEDULE 1

Project Approval: MP 06_0025 granted by the Minister for Planning on 7 January 2009 as amended by modification approval granted on 10 April 2009, as amended by modification approval granted on 15 March 2011.

For the following:

A Project Application for:

- site preparation works (including earthworks and vegetation clearing) with the Stage 1 and Stage 2 footprint;
- subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;
- Stage 1 approximately 22,600m² of gross floor area, comprising 20,880m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail outlets inclusive of kiosks and mini/major retail outlets and 1,720m² of commercial gross floor area, centre management and amenities, and Stage 2 approximately 9,400m² of gross floor area comprising 7,669m² of gross floor area (including a supermarket, specialty retail outlets inclusive of kiosks and mini/major retail outlet) and 1,731m² of gross floor area of community space (including use for a library and amenities) being a total gross floor area for the centre of 32,000²;
- fit out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths;
- roads and access/public domain works within the Vincentia District centre (including Moona Creek Road, The Wool Road, external road works, footpaths and open space areas);
- a minimum of 949 car parking spaces are to be provided in Stage 1 and a minimum of 1,307 car parking spaces are to be provided at the completion of Stage 2, along with loading docks and trolley storage;
- provision of infrastructure for water, sewerage, electricity and telecommunications
- water sensitive urban design, and
- associated works and road works.

Modification (No.3):

Modification of the project approval for:

- the construction of the Centre in 3 stages;
- the enclosure of pedestrian walkways;
- the redesign of the car parking layout, and
- amending external materials and finishes.

SCHEDULE 2

The Project Approval is modified by:

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

Table A1

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

2. Condition 1.1(i) in Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck-out words/numbers~~ as follows:
 - 1.1 Project approval is granted for the carrying out of ~~Stage 1 and Stage 2~~ **Stages 1A, 1B, and 2** of the Vincentia District Centre comprising:
 - a) site preparation works (including earthworks and vegetation clearing) associated with ~~Stage 1 and Stage 2~~ **Stages 1A, 1B and Stage 2;**
 - b) subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;
 - c) ~~Stage 1 approximately 22,600m² of gross floor area, comprising 20,880m² of~~ **Stage 1A having approximately 20,734 m² of gross floor area, comprising approximately 19,606 m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor, and Aldi), Dick Smiths, speciality retail uses inclusive of kiosks and mini/major retail outlets and 1,702m² 1,128 m² of commercial gross floor area, centre management, amenities and Stage 2**
~~approximately 9,400m² of gross floor area comprising 7,669m² of gross floor area (including a supermarket, speciality retail outlets inclusive of kiosks and mini/major retail outlet) and 1,731m² of gross floor area of community space including use for a library and amenities) being a total gross floor area for the centre of 32,000m², and 2,928 m² of enclosed walkways;~~
 - d) **Stage 1B having approximately 1,197 m² of gross floor area comprising only speciality retail outlets and 517 m² of enclosed walkways;**
 - e) **Stage 2 having approximately 10,069 m² of gross floor area comprising 7,737 m² of retail gross floor area including a supermarket, a mini-major and speciality shops, and 932 m² of commercial gross floor area, amenities, and 1,543 m² of enclosed walkways;**
 - f) fit out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths;
 - g) roads and access/public domain works within the Vincentia District Centre (including Moona Creek Road, The Wool Road, external road works, footpaths and open space areas);
 - h) ~~a minimum of 949 car parking spaces are to be provided in Stage 1 and a minimum of 1307 car parking spaces are to be provided at the completion of stage 2~~ **876 car parking spaces are to be provided at the completion of Stage 1A, a minimum of 926 car parking spaces are to be provided at the completion of Stage 1B, and a**

minimum of 1,328 car parking spaces are to be provided at the completion of Stage 2, along with loading docks and trolley storage,

- i) use of 1,400m² as a library,
- j) provision of infrastructure for water, sewerage, electricity and telecommunications;
- k) water sensitive urban design; and
- l) associated works and road works.

No approval is given for those areas identified as 'Future Development sites' on the *Final Stage Plan – South East DA1203 Rev S* dated 4 October 2010 Rev Q dated 4 July 2011. Any development in this part of the site is to be the subject of a separate application.

3. Condition 1.2 is amended by the insertion of the **bold and underlined** words/numbers immediately after subclause 1.2(d):
- (e) As amended by the Environmental Assessment dated March 2011 and the Submissions Report and Statement of Commitments dated July 2011 prepared by The Planning Group and the following drawings:**

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
<u>DA02</u>	<u>D</u>	<u>Drawing List, Location and Context Plan</u>	<u>Rice Daubney</u>	<u>23/3/11</u>
<u>DA0003</u>	<u>E</u>	<u>Site Analysis Plan</u>	<u>Rice Daubney</u>	<u>23/3/11</u>
<u>DA0103</u>	<u>W</u>	<u>Phasing Plan</u>	<u>Rice Daubney</u>	<u>4/7/11</u>
<u>DA1201</u>	<u>S</u>	<u>Final Stage Plan – North East</u>	<u>Rice Daubney</u>	<u>4/7/11</u>
<u>DA1202</u>	<u>S</u>	<u>Final Stage Plan – North West</u>	<u>Rice Daubney</u>	<u>4/7/11</u>
<u>DA1203</u>	<u>Q</u>	<u>Final Stage Plan – South East</u>	<u>Rice Daubney</u>	<u>4/7/11</u>
<u>DA1501</u>	<u>G</u>	<u>Elevations – Sheet 1</u>	<u>Rice Daubney</u>	<u>23/3/11</u>
<u>DA1502</u>	<u>E</u>	<u>Elevations – Sheet 2</u>	<u>Rice Daubney</u>	<u>23/3/11</u>
<u>DA1601</u>	<u>J</u>	<u>Sections – Sheet 1</u>	<u>Rice Daubney</u>	<u>23/3/10</u>
<u>DA1602</u>	<u>F</u>	<u>Sections – Sheet 2</u>	<u>Rice Daubney</u>	<u>23/3/10</u>
<u>FS0001</u>	<u>C</u>	<u>Finishes key Elevations – Sheet 1</u>	<u>Rice Daubney</u>	<u>23/3/10</u>
<u>FS0002</u>	<u>B</u>	<u>Finishes key Elevations – Sheet 2</u>	<u>Rice Daubney</u>	<u>23/3/10</u>
Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
<u>LA01</u>	<u>E</u>	<u>Stages 1A, 1B and 2 Staging Plan</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
<u>LA02</u>	<u>E</u>	<u>Overall Planting Strategy</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
<u>LA03</u>	<u>E</u>	<u>Landscape Concept Stage 1A</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
<u>LA04</u>	<u>E</u>	<u>Landscape Concept Stage 1B</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
<u>LA05</u>	<u>E</u>	<u>Landscape Concept Stage 2</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
<u>LA06</u>	<u>E</u>	<u>Detailed Plans & Sections 1</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
<u>LA07</u>	<u>E</u>	<u>Detailed Plans & Sections 2</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>

<u>LA08</u>	<u>E</u>	<u>Detailed Plans & Sections 3</u>	<u>Site Image Landscape Architects</u>	<u>6/7/11</u>
Civil Drawings				
<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Drawn By</u>	<u>Date</u>
<u>46860</u>	<u>P1</u>	<u>Civil Works General Arrangement Key Plan</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46861</u>	<u>P1</u>	<u>Civil Works Rooding and Drainage Sheet 1</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46862</u>	<u>P0</u>	<u>Civil Works Rooding and Drainage Sheet 2</u>	<u>Cardno</u>	<u>24/3/11</u>
<u>46863</u>	<u>P1</u>	<u>Civil Works Rooding and Drainage Sheet 3</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46864</u>	<u>P1</u>	<u>Civil Works Rooding and Drainage Sheet 4</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46865</u>	<u>P1</u>	<u>Civil Works Rooding and Drainage Sheet 5</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46866</u>	<u>P0</u>	<u>Civil Works Rooding and Drainage Sheet 6</u>	<u>Cardno</u>	<u>24/3/11</u>
<u>46867</u>	<u>P0</u>	<u>Civil Works Rooding and Drainage Sheet 7</u>	<u>Cardno</u>	<u>24/3/11</u>
<u>46868</u>	<u>P0</u>	<u>Civil Works Ponds</u>	<u>Cardno</u>	<u>24/3/11</u>
<u>46870</u>	<u>P1</u>	<u>Civil Works Kerbs and Retaining</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46871</u>	<u>P1</u>	<u>Civil Works pavement Types Final Stage</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46872</u>	<u>P0</u>	<u>Civil Works Bulk Earthworks Plan Subgrade Levels</u>	<u>Cardno</u>	<u>16/7/11</u>
<u>46873</u>	<u>P0</u>	<u>Civil Works Bulk Earthworks Plan Cut/Fill to Subgrade</u>	<u>Cardno</u>	<u>16/7/11</u>
<u>46875</u>	<u>P0</u>	<u>Civil Works Retaining Wall Sections</u>	<u>Cardno</u>	<u>24/3/11</u>
<u>46877</u>	<u>P0</u>	<u>Civil Works Typical Details Sheet 1 of 2</u>	<u>Cardno</u>	<u>1/3/11</u>
<u>46878</u>	<u>P0</u>	<u>Civil Works Typical Details Sheet 2 of 2</u>	<u>Cardno</u>	<u>1/3/11</u>
<u>46880</u>	<u>P0</u>	<u>General Arrangement Southern Carpark Stormwater</u>	<u>Cardno</u>	<u>1/3/11</u>
<u>46881</u>	<u>P0</u>	<u>Carpark Culvert Inlet Pit P-01 to P-03 Plan & Long section</u>	<u>Cardno</u>	<u>1/3/11</u>
<u>46882</u>	<u>P0</u>	<u>Option 1 Boardwalk 3600x200 RCBC Pit P-03 to Pond</u>	<u>Cardno</u>	<u>16/7/11</u>
<u>46885</u>	<u>P0</u>	<u>Carpark culvert Pit P-03 Sections and Details</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46887</u>	<u>P0</u>	<u>Concrete Pavement Layout Plan Sheet 1 of 2</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46888</u>	<u>P0</u>	<u>Concrete Pavement Layout Plan Sheet 2 of 2</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46889</u>	<u>P0</u>	<u>Concrete Pavement Notes and Details Plan</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46890</u>	<u>P0</u>	<u>Soil and Water Management Plan Sheet 1 of 2</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46891</u>	<u>P0</u>	<u>Soil and Water Management Plan Sheet 2 of 2</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46892</u>	<u>P0</u>	<u>Soil and Water Management Details</u>	<u>Cardno</u>	<u>16/07/10</u>
<u>46893</u>	<u>P1</u>	<u>Clearing Works</u>	<u>Cardno</u>	<u>5/7/11</u>
<u>46894</u>	<u>P0</u>	<u>Scar Area Rehabilitation Plan</u>	<u>Cardno</u>	<u>8/2/11</u>

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- as otherwise provided by the conditions of this approval.

4. Condition 2.1(i) is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck out words/numbers~~ as follows:
 - (i) include a traffic and parking management plan which clearly describes the methods proposed to be employed to separate shopper and pedestrian traffic associated with the operation of Stage ~~41A~~ from the construction traffic associated with the construction of Stage ~~21B~~ of the District Centre, prior to the issue of the Construction Certificate for Stage ~~21A~~ works **and the separation of shopper and pedestrian traffic associated with the operation of Stages 1A and 1B from the construction traffic associated with the construction of Stage 2 of the District centre prior to the issue of the Construction Certificate for Stage 2.**
5. Condition 2.5 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck out words/numbers~~ as follows:
 - 2.5 The subject site shall be generally filled according to the plans as shown in Appendix E and F being Cardno Forbes Rigby P/L report and drawings dated June 2010 and Appendix B ~~D~~ to the Environmental Assessment and **Submissions** reports (as referred to in condition 1.2(e) ~~(e)~~ of this approval) **being the plans prepared by Cardno Pty Ltd submitted with this application and** the architectural plans prepared by Rice Daubney Architects, **except as amended by conditions in this approval.**
6. Condition 2.10 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck out words/numbers~~ as follows:
 - 2.10 Landscaping works associated with Stage-4 **each stage** (as shown in documentation referenced in condition 1.2 of this approval) shall be completed prior to the issue of the occupation certificate for Stage-4 **that stage** of the District centre.
7. Condition 2.5 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck out words/numbers~~ as follows:
 - 2.5 The subject site shall be generally filled according to the plans as shown in Appendix E and F being Cardno Forbes Rigby P/L report and drawings dated June 2010 and Appendix B ~~D~~ to the Environmental Assessment and **Submissions** reports (as referred to in condition 1.2(e) ~~(e)~~ of this approval) **being the plans prepared by Cardno Pty Ltd submitted with this application and** the architectural plans prepared by Rice Daubney Architects, **except as amended by conditions in this approval.**
8. Condition 2.15 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck out words/numbers~~ as follows:
 - 2.15 Access to the District centre site from The Wool Road (access "D") shall be suitably incorporated into the design of Stage ~~41A~~ **of the District centre**, constructed in conjunction with the approved road upgrades to The Wool Road, and completed prior to the issuing of an Occupation Certificate for Stage ~~41A~~ **of the District centre.**

The design is to be in accordance with the following drawings prepared by Cardno or as amended by Council: drawings numbered 1101 – 1105 all dated 1 June **2010** and all Rev P1, and drawings numbered 1201 – 1204 all dated 1 June **2010** and all Rev PO.

None of these road works are to encroach into the 'Environmental Zone' and if necessary the design is to be amended to ensure this outcome. The roadwork's described as Stage 1A in the abovementioned plans are to be completed prior to the issuing of an Occupation ~~e~~Certificate for Stage ~~41A~~ **of the District centre**, and the construction of the roadwork's described as Stage 1B are to commence within 2 months of the issuing of a Construction ~~e~~Certificate for those works.
9. Condition 2.16 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck out words/numbers~~ as follows:
 - 2.16. The approved road upgrade works to Naval College Road shall be constructed prior to the occupation of Stage 4 ~~1A~~ **of the District centre** at the Proponent's full cost.

10. Condition 2.24 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck-out words/numbers~~ as follows:
2.24 A minimum of 12 car and trailer parking spaces are to be line marked in the southern car parking area for Stage 1 of the District centre. These spaces shall be suitably sign posted and provided in a drive-through configuration. They are to be permanent and are not to be relocated as part of the parking reconfiguration required for Stage 2. **constructed as part of Stage 1A. Those in Moona Creek Road are to be located, line marked and signposted to the satisfaction of Shoalhaven City Council while those within the Stage 1A car park are to be to the satisfaction of the PCA.** Each of these car and trailer spaces may be counted as two car parking spaces for the purpose of compliance with condition 1.1~~(h)~~ **(f)**.
11. Condition 2.25 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck-out words/numbers~~ as follows:
2.25 A minimum of 2 car parking bays within the southern **Stage 1A** car park are to be identified as short stay pick-up/drop off car parking bays. These are to be **identified in the Construction Certificate documentation and** permanently located in the southern **Stage 1A** car park.
12. Condition 2.26 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck-out words/numbers~~ as follows:
“...19 metre semi-trailers”:
Plans clearly illustrating the swept paths for all 19m semi trailers using the loading docks are to be provided to Council prior to the issuing of a Construction Certificate for Stages **41A and Stage 2** of the District centre. In addition, no loading docks are to be used between the hours of 10pm and 7am on any day.
13. Condition 2.33 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck-out words/numbers~~ as follows:
The proponent is to undertake further acoustic analysis during the detailed design stage of ~~Stage 1~~ **each stage** of the District centre to ensure that noise emissions from mechanical plant are reduced to at least 5dBA below the night time noise criterion as concluded in the Noise Impact Assessment Report prepared by Heggies Pty Ltd dated June 2010. This assessment is to involve consideration of noise control measures such as the use of ‘quiet plant’ and acoustic enclosures.
14. Condition 2.43 is amended by the insertion of the **bold and underlined** words/numbers and the deletion of the ~~struck-out words/numbers~~ as follows:
Library Space in Stage 4
2.43 The proponent is to identify a 1,400sqm area within Stage **41A** that is suitable for use as a library. The lease of this space is to be offered to Shoalhaven City Council, with the terms and conditions for the use of this space to be negotiated between those parties. Council are to confirm within 6 months of the date of this **the MOD 2** approval whether they intend to lease this space. Should Council choose to not lease this space in Stage **41A**, a corresponding area in Stage **21B** is to be made available, with terms and conditions to be agreed between the parties. **Should Council resolve not to use this space in Stage 1B, a corresponding space is to be made available in Stage 2, with terms and conditions to be agreed between the parties.** Should Council choose to not use the 1,400sqm in Stage 4 this **Stages 1A or 1B, these** spaces may be leased to another tenant.
15. Insert new condition 2.44 immediately after condition 2.43 as follows:
Car Park design
2.46 **There is to be no right turn from the southern (Stages 1A and 1B) car park onto Moona Creek Road. This is to be reflected in the Construction Certificate for Stage 1A of the District centre and the Moona Creek Road design plans.**

16. Insert a new condition 2.45 immediately after condition 2.44 as follows:

Walkway Sizes

2.48 The size of the enclosed walkways as shown on the plans submitted with this application is not to be altered without the approval of the Director General.

17. Item 17 the Statement of Commitment (Commitment) to read:

Fabcot will undertake a water quality monitoring program in accordance with the Eater Quality Monitoring Plan to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a period of three years following the completion of Stage 1A and a monitoring period of three years following the completion of each subsequent stage of the District Centre."

18. Item 50 the Statement of Commitment (timing) to read:

The Guide is to be prepared within 6 months of obtaining a Construction Certificate for each Stage of the District Centre to ensure prospective tenants can utilise the Guide in designing their fit-out.

End of Section