

18 November 2011

Our ref: 212.045L1

Director-General
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000



TOWN PLANNING
AND URBAN DESIGN

**RE: REQUEST UNDER SCHEDULE 6A "TRANSITIONAL ARRANGEMENTS
– REPEAL OF PART 3A' OF THE ENVIRONMENT PLANNING AND
ASSESSMENT ACT, 1979 (AS AMENDED)**

**MODIFICATION OF MAJOR PROJECT APPLICATION NO. 06_0205
(MOD 3) - VINCENTIA DISTRICT TOWN CENTRE – "MODIFICATION 4"**

Dear Sir,

1.0 INTRODUCTION

This letter and Environmental Assessment has been prepared on behalf of Fabcot Pty Ltd which is a wholly owned subsidiary of Woolworths Limited, to request under *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act) the modification of Major Project Application No. 06_0205 (Mod 3) - Vincentia District Centre (VDC). The VDC is located within the Vincentia Coastal Village (VCV) but is subject to a separate approval process to the VCV. It is noted that the subject site was included at Part 29 of Schedule 3 of the former *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP).

2.0 AMENDMENT TO APPROVED PROJECT APPLICATION UNDER THE FORMER PART 3A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

2.1 Modification of Part 3A Approval

The provisions of Section 75W of the EP&A Act apply to the proposed modification based on the provisions of Schedule 6A Transitional Arrangements – Repeal of Part 3A of the Environmental Planning and Assessment Act, which states:

12 Continuing application of Part 3A to modifications of certain development consents

Section 75W of Part 3A continues to apply to modifications of the development consents referred to in clause 8J (8) of the Environmental Planning and Assessment Regulation 2000, and so applies whether an application for modification is made before or after the commencement of this clause.

It is considered that the proposal is consistent with the Environmental Planning and Assessment Regulation 2000 (Regulations), as Clause 8J(8) of the Regulations states:

8J Transitional provisions

(8) For the purposes only of modification, the following development consents are taken to be approvals under Part 3A of the Act and section 75W of the Act applies to any modification of such a consent:

(a) a development consent granted by the Minister under section 100A or 101 of the Act,

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- (b) a development consent granted by the Minister under State Environmental Planning Policy No 34—Major Employment-Generating Industrial Development,
- (c) a development consent granted by the Minister under Part 4 of the Act (relating to State significant development) before 1 August 2005 or under clause 89 of Schedule 6 to the Act,
- (d) a development consent granted by the Land and Environment Court, if the original consent authority was the Minister and the consent was of a kind referred to in paragraph (c).

The development consent, if so modified, does not become an approval under Part 3A of the Act.



The proposed development has been approved under the former Part 3A provisions of the EP&A Act, and this application is submitted for consideration under a Section 75W of the EP&A Act.

Section 75W of the EP&A Act enables an approved Project Application to be modified, based on the following:

75W Modification of Minister's approval

- (1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

modification of approval means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
 - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
- (a) an approval granted by or as directed by the Court on appeal, or
 - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.
- (7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.



It is considered that the provisions of Section 75W of the EP&A Act could be exercised in this instance to modify the approved Project Application Modification 3, based on the following:

1. If approved, the modification will not radically alter the development from its approved form;
2. The nature of the change is not dissimilar to the recently approved Modification 3; and
3. The nature of the proposed changes relate to minor design iterations associated with the design development with the preparation of tender drawings, 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.

It is also noted that the previous approvals met the criteria specified in Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and triggered by Clause 6. The amendment to the approved Project Application Modification 3, maintains approval for Stages 1A, 1B and 2 but with design changes such as a reduction in the width of the approved enclosed mall areas which will enable Fabcot to construct the VDC as and when needed to meet the market, allow for timing matters which may be unforeseeable / unpredictable due to rapidly changing regional economies and will also enable construction to commence as soon as possible on-site following approval.

2.2 Reasons for this Modification

The proponent seeks to change the recently issued Modification 3 based on 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 August 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 undertaken the design development phase of the project where a number of design refinements are required to ensure the initial works are more feasible. The amended architectural drawings can be found at **Appendix A**;
2. Specifically, the VDC as approved has an enclosed “mall” for all the common circulation areas referred in the drawings as “canopy walk”, “board walk” and “arbour walk”. The design and width of these areas has been considered in detail design development and has been reduced in area which also assists in making the initial stages of the project more feasible and cost effective during the construction phases. A full list of design changes can be found in **Appendix A**;
3. The design changes still meet the urban design intent of the original design excellence process as is demonstrated by the Design Statement which can be found at **Appendix A**, and

The design change can be managed such that the ESD objectives will be maintained.

3.0 ENVIRONMENTAL ASSESSMENT

This letter is also an Environmental Assessment (EA) report prepared by The Planning Group NSW Pty Ltd (TPG NSW) on behalf of Fabcot Pty Ltd (Fabcot) which is a wholly owned subsidiary of Woolworths Limited and the proponent for the modification, to request under Section 75W of the *Environmental Planning and Assessment Act, 1979* the modification of MP 06_0205 Project Approval granted for the Vincentia District Centre (VDC) – referred to as Modification 4 throughout this report.



The VDC forms part of a series of approvals for the wider Vincentia Coastal Village (VCV) which is currently being constructed by Stockland. By way of background, Stockland has obtained a number of approvals from the Minister for Planning for the VCV including the VDC, and in September 2009 sold the land on which the VDC has been approved to Fabcot.

The approvals granted by the Minister for Planning pursuant to Clause 6 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) and Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) for the VDC involves land at the corner of Naval College Road and Moona Creek Road, Vincentia including a Concept Approval and Project Approval. The site of the VDC is identified as being land described in Part 29 of Schedule 3 of the Major Development SEPP as a project to which Part 3A applies.

3.1 The Site and Locality

The site upon which the Vincentia District Centre is proposed to be constructed is located within the VCV & VDC site which itself is located approximately two kilometres south west of the existing Vincentia township. The VCV & VDC site is bounded by the Jervis Bay National Park to the west, to the north and to the north-east, the Wool Road to the east and Naval College Road to the south. **Figure 1** indicates the site location.



Figure 1: Site Location (Site outlined in red)

The site of the VDC is legally described as follows:

- Lot 177 DP 1123782;
- Lot 801 DP 1022286;
- Lots 2 and 3 DP 1118806; and

- Lots 72 and 73 DP 874040.

3.2 History of Approvals

Table 1 provides a brief summary of the approvals granted for the subject site:

Table 1: History of Planning Approvals

Date:	Planning Approval:
25 January 2007	<p>Vincentia Coastal Village (VCV) Concept Plan/Project Approval</p> <p>Concept approval (as modified) MP 06_0060 under Part 3A for:</p> <ul style="list-style-type: none"> • 603 lot residential subdivision; • Residential development for an adaptable housing area; • Commercial development (District Town Centre) identifying: <ul style="list-style-type: none"> - Indicative building footprints; - Total floor area of no more than 32,000 square metres (total for both Stage 1 and Stage 2); - A range of uses, including DDS, supermarket, medical centre, child care centre, etc.; - A site (Stage 3) for future retail development (bulky goods); and - Environment protection measures on the remaining land. <p>and</p> <p>Project approval (as modified) MP 06_0058 under Part 3A for 603 lot residential subdivision, 60 hectares of open space area, internal road network and construction and operation of display village for Stage 1 development.</p>
8 October 2007	<p>Modification 1:</p> <p>Concept Plan and Project Approval Modification 1</p>
9 July 2008	<p>Modification 2:</p> <p>To modify the Concept Plan and Project Application approvals to nominate future dwelling houses relating to the approved residential subdivision component of the Concept Plan approval as complying development for the purposes of the Act.</p>
6 February 2009	<p>Modification 3:</p> <p>Proposal to modify the project approval to include 3 additional residential lots within the approved development area.</p>
13 February 2009	<p>Modification 4:</p> <p>To clarify the timing for the payment of section 94 contributions</p>
20 April 2009	<p>Modification 5:</p> <p>To modify the Concept Plan and Project approvals to: increase the area of a number of approved lots within Stage 2 and reduce the total number of lots by 4; and remove item 68 of the approved Statement of Commitments relating to submission of a lot classification geotechnical report for each stage of development prior to release of the subdivision certificate.</p>





Date:	Planning Approval:
11 December 2009	Modification 6: Modification to the Concept Plan and Project Approval for Vincentia Coastal Village to: make changes to Design Essentials - a guide to building your home at Bayswood; and to amend references to the Design Essentials document in the Instrument of Approval.
14 November 2008	Site of Coastal Village and District Centre inserted into Schedule 3 to the State Environmental Planning Policy (Major Projects) 2005 as a State Significant Site. The planning regime for the site is now Part 29 of Schedule 3 to State Environmental Planning Policy (Major Projects) 2005.
7 January 2009	Vincentia District Centre (VDC) Stage 1 Project Approval Project Approval MP 06_0205 under Part 3A for development of Stage 1 of the Vincentia District Town Centre, is described as follows: <ul style="list-style-type: none"> (a) <i>site preparation works (including earthworks and vegetation clearing) with the Stage 1,</i> (b) <i>subdivision to create a 12.24 ha Lot upon which the District Centre will be constructed,</i> (c) <i>approximately 14,000m² of floor area, comprising 10,000m² of retail space (including two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets) and 4,000m² of commercial/community space (including a library, centre management, amenities and commercial/community tenancies),</i> (d) <i>fit out and occupation of the Woolworths, Big W and Aldi supermarkets,</i> (e) <i>roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas),</i> (f) <i>683 car parking spaces, two loading docks and trolley storage,</i> (g) <i>provision of infrastructure for water, sewerage, electricity and telecommunications,</i> (h) <i>water sensitive urban design, and</i> (i) <i>associated works.</i>
10 April 2009	Modification 1 Vincentia District Town Centre – deletion of conditions 2.17 and 2.18
2009, 2010 and 2011	Various Modification to the VCV.
15 March 2011	Modification 2 Vincentia District Town Centre
3 August 2011	Order made by Planning Assessment Commission – amended

Date:	Planning Approval:
	Schedule 3 Part 19, Clause 6 of SEPP to allow maximum gross floor area of 37,000 square metres for the VDC.
8 August 2011	Modification 3 approved by Planning Assessment Commission for VDC with gross floor area of 36,988 square metres.



3.2.1 Modification 2

Approval was granted on 15 March 2011 to Modification 2, which involved the following:

- Approval for Stage 1 and Stage 2;
- Revised staging to provide for approximate 22,600 sqm of retail/commercial space in Stage 1 and the balance of the approved space in Stage 2;
- Stage 1 to include a Big W Discount Department Store (DDS), Woolworths supermarket, Aldi supermarket, Dick Smiths, a mini major, approximately 60 specialty stores along with approximately 1,100 sqm of commercial space;
- Stage 2 to include a third supermarket, specialty shops and library; and
- Access to Stage 1 will be via the Moona Creek Road entrance and via Wool Road. The original Stage 1 approval did not include the design and construction of intersection 'D' at Wool Road, this was not required based on the staging at that time. Due to the revised staging approval is now sought for intersections 'D' and 'E' and upgrade of Wool Road.
- It is proposed to construct Stage 1 now for trading by early November 2011 with Stage 2 to follow when economically viable.

Condition 1 of Modification 2 granted approval for:

- (a) Site preparation works (including earthworks and vegetation clearing) associated with Stage 1 and Stage 2,
- (b) Subdivision to create 12.16 ha Lot upon which the Vincentia District Centre will be constructed;
- (c) 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 (capable of being utilised in as a temporary a library or other community space), 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 and amenities) being a total gross floor area for the centre of 32,000m²;
- (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 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, ,
- (g) provision of infrastructure for water, sewerage, electricity and telecommunications,

- (h) water sensitive urban design, and
- (i) associated works and road works.

Modification 2 of the VDC Project Application related to the same developable footprint approved as part of the Concept Plan approved for the site.

The Department of Planning confirmed that Modification 2 could be considered based on legal advice and this was confirmed to the proponent via email dated 27 October 2009, that the nature of the changes could be considered under Section 75W of the *Environmental Planning and Assessment Act, 1979* for the proposed modifications to the Project Application. The proposed changes to the VDC as shown in Modification 3 will not be radically different to the approved development.

The Proponent was issued Director-General's Environmental Assessment Requirements dated 17 February 2010 for the preparation of this Environmental Assessment (EA) associated with Modification 2. All of the matters raised in the DGEARs were addressed in the EA documentation.

3.2.2 Modification 3

Modification 3 approved the following design details:

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.

3.3 Proposed Modification

The proposed modification seeks approval for the following design details:

No.	Amendment	Rationale
1	Big W store, Commercial Offices setback to Moona Creek Road by 3m. Landscaped pavement treatment expanded to suit.	Detail design of shoring system dramatically reduced with a 3m setback of the commercial frontage to Moona Creek Rd. Overall width of building to building on Road increases from 30m to 33m. Extent of public domain landscaping and pavement increased to match. Extent of façade fenestration remains with activation by commercial tenancies.
2	Specialty tenancies abutting Wetlands on North eastern façade reduced in size with wall setback 5m approx.	Detail Design of building roof structure, and reduction in mall width require external walls of building to be setback to maintain approved NLA and GFA. Landscaped terraces and landscaping areas increased to match
3	Specialty loading dock area reconfigured with storage areas located adjacent dock, position of substation amended to suit detail design, garbage area amended to suit operational requirements.	Loading dock apron and servicing areas subjected to detail design phase. Structural efficiencies achieved through realignment of walls, waste enclosure enlarged to enable Woolworths environmental controls to be utilised.
4	Roof line modifications	The configuration of the main arcade roof and structure has now been developed in consideration of the new enclosed format. The principles of a 'cluster' of buildings is maintained through the arrangement of main roof lines, including the defining canopy walk structure.
5	Mall widths reduced	Mall widths reduced to typical regional centre width of 8m. Previous depths of mall based around original unenclosed mall which required greater physical setbacks. Distance separating shopfronts now more effective for retail trading and for creating link between each side of each retail precinct. Roof structure raised in arcade alignment to allow for clear line of sight through structure in accordance with original design intent. At North Eastern wall, large glazed element retained.
6	Building Footprint area reduced	Due to amendments to arcade width and adjustments to retail mall configuration, GFA is lower than approved DA, with NLA compliant with the consent conditions.
7	Extent of parking to be constructed in Stage 1a modified	Staging construction of the main carpark removed, all Naval creek road carpark constructed in Stage 1a.

8	Materials and Finishes Schedule	Detailed materials and finishes schedule amendments to suit constructability analysis and preferred base building construction methods. Detailed schedule provided with DA submission.
9	Main entry from surface carpark amended	Safety audit of carparking and entry pathway configuration undertaken to confirm paths of travel and identify any clashes, and remove or mitigate effects. Paved area at front entry redesigned to allow for shopfront glazing to specialty tenants not previously 'activated' to the carpark.
10	Building Level amended to R.L. 12.5	Detailed analysis by Civil Engineer determined raising the main mall level to RL 12.5. ameliorates the extent of cut and fill on the site, therefore reducing transport cost for importing/exporting fill from site.



The purpose of this EA is to provide an assessment relating to the nature of the changes proposed in Modification 3, and discuss the relevant planning and environmental issues. This EA makes reference to previous Environmental Assessment Reports submitted for the VDC. It also includes a number of new technical investigations to assist in evaluating the benefits of the amended concept plan and project while at the same time managing its impacts.

3.4 Methodology

The methodology in the preparation of Modification 4 EA is essentially the same as that undertaken for the original Project Application, Modification 2 and Modification 3 for the VDC, and only assesses the new issues arising as a result of the proposed changes.

The previous Part 3A concept and project application, and Modifications involved input from a range of disciplines including urban design, ecology, landscape architecture, heritage, engineering, traffic engineering, hydrogeology, economics, social planning, bushfire management, environmental, acoustics and geotechnical assessment.

Modification 4 of the approved Project Application builds on these previous investigations and addresses additional issues pertaining to the design development of the proposal, in this regard this application is supported by the following information:

1. APPENDIX A – AMENDED ARCHITECTURAL DESIGN, DETAILS OF FINISHES AND DESIGN STATEMENT
2. APPENDIX B – AMENDED LANDSCAPE PLANS
3. APPENDIX C – AMENDED CIVIL DRAWINGS
4. APPENDIX D – REVISED SURVEY CALCULATION OF GROSS FLOOR AREA
5. APPENDIX E – BCA REPORT
6. APPENDIX F – PAC ORDER AND MOD 3 APPROVAL

No changes are proposed to the approved road concept layouts, improvements and timing as detailed in Modification 3. The period of time in which Council was to notify Woolworths as to whether they seek a library in stage 1 concluded in September 2011 with Council advising they do not seek inclusion of the library in stage 1. A copy of the Council letter can be provided if required. Council and Woolworths have also concluded their negotiations associated with the Bay and Basin Leisure Centre (BBLC) access road and appropriate steps are being taken to amend the EPBC Act approval now.

The nature of the changes sought in Modification 4 do not warrant any changes to the approved road concept layouts, improvements, timing and associated Ministerial Conditions imposed in Modifications 2 or 3.

This modification is necessitated due to condition 2.48 as added to the last modification in which it states:

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.

This Modification will necessitate a change to:

- condition 1.1 so as to account for the reduced gross floor area of the enclosed walkways; and
- condition 1.2 so as to account for the amended drawings submitted with this modification.

3.5 Consistency with the Concept Approval, Project Application and Modification 3

The principal elements of the VDC as proposed in Modification 4 are unchanged from that which was approved by the Minister when the Concept Plan, Project Application and Modifications 2 and 3 were granted consent.

The principles of the design competition winning design will be maintained.

Modification 3 recently approved demonstrated consistency with the original Concept Plan Approval and Project Application.

Based on the summary of drawing changes Modification 4 is not dissimilar to the approved Modification 3.

The Department of Planning and Minister will recall “Modification A4” to Schedule 2 of the Concept Plan approval required Stockland to undertake a design excellence competition for the VDC. The outcome of the design competition was a modified layout and staging for the VDC, however the principal elements of the VDC remain unchanged from the approved Concept Plan. The fully developed VDC as shown in Modification 3 will occupy the same footprint as that approved in Modification 3.

4.0 ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

This section of the EA considers the relevant statutory and non-statutory provisions and the identification of any non-compliance with such provisions as a result of the proposed modification.

4.1 Commonwealth Matters

There are no new assessable considerations under the EPBC Act.

4.2 State and Local Matters

The total floor area of the proposed development has been reduced from the last approval granted from

There are no new assessable considerations under the EP&A Act, SEPPs, REPs, LEPs, DCPs or Policies.

5.0 ENVIRONMENTAL ASSESSMENT CONSIDERATIONS

5.1 Concept Plan

The modified design is consistent with the approved Concept Plan and Design Excellence phase undertaken previously. This is confirmed with the Design Statement prepared by Scott Carver at **Appendix A**.

5.2 Urban Design

The amended design as prepared by Scott Carver includes the same design principles as that which were included within the approved Modifications 2 and 3, Project and the design competition this is embodied within the Design Statement which can be found at **Appendix A**, and can be summarised by the following:



1. The proposed modified siting of the DDS buildings and the design is not considered to have an unacceptable level of impact on privacy, views of adjoining neighbours and overshadowing of surrounding areas.
2. The proposed modified design maintains the same provision of publicly accessible open space and recreational areas within and around the site.
3. The proposed modified design provides for the same footprint of buildings and associated impermeable areas as that shown in the approved Modification 3 layout.
4. The modified design is considered to comply with the design principles as modified by the previous approvals and the recommendations of the Stockland Design Competition Jury Panel Report winning design of the Design Excellence Competition.



5.3 Visual Impacts

No changes are proposed in Modification 4 when compared to the approved design in Modification 3 in relation to visual impacts. The low scale of buildings will be maintained and assists in minimising visual impacts. Existing and proposed landscaping will tie the VDC with the surrounding vegetation.

The materials and finishes are similar to that approved in Modification 3.

5.4 Streetscape and Public Domain

The modified project has been accompanied by amended landscape architectural drawings prepared by Site Image (refer to **Appendix B**) which demonstrate that the design includes the same landscape, ESD and public domain principles as incorporated within the approved project, including such matters as: bioswale details, the same planting schedule, bike path connection, landscape buffers and maintenance and management measures..

5.5 Traffic Impacts

The proposed changes do not seek to alter any of the outcomes of the previous Modification in terms of parking numbers, access and circulation within the site and surrounding network.

Therefore, no new traffic report has been prepared and the finding of the Halcrow as submitted with the previous Modification are unchanged.

5.6 Social Impacts

The proponent has considered issues associated with the social impacts of the proposed development and the positive flow-on effects being broader than just economic associated with the provision of a new retail centre for Vincentia in Modifications 2 and 3 and the changes proposed in Modification 4 do not alter the matters which were previously assessed as satisfactory and subject to conditions in Modification 2.

5.7 Noise and Light Impacts

No new noise and lighting matters result in Modification 4 compared to those which have already been assessed in Modification 3.

5.8 Water Quality and Waste Management

Revised drawings in relation to stormwater and water quality form part of Modification 4 and have been based on the information which was assessed as acceptable in Modification 3 by Cardno. Refer to **Appendix C**.



5.9 Adjoining Land

Potential impacts on adjoining land were investigated with the original Project Application and Modifications 2 and 3. The changes proposed in Modification 4 do not alter the matters which were assessed as acceptable in the previous applications.

5.10 Utilities and infrastructure

As part of the Project Application for the VDC, Cardno Forbes Rigby prepared a detailed Utility Services and Infrastructure Report. The proposed modification does not seek to alter the outcomes of these investigations and appropriate services and infrastructure will be augmented and provided to service the modified development.

5.11 Economic Impact

A supplementary Economic Impact Assessment dated March 2011 was prepared by Pitney Bowes with Mod 3, which concluded the proposed changes are acceptable in terms of the revised staging in Modification 3 and that those amendments will not result in adverse economic impacts. This Modification will not alter those outcomes which were assessed as acceptable.

5.12 Flora and Fauna

The proponent has not undertaken any further ecological investigations on the site, this is due to the site having already been the subject of extensive investigations and the subject of numerous approval processes. The changes sought to the approved Project Application will not result in intrusions into the sensitive portions of the site, nor seeks to change approved details adjacent to the sensitive portions of the site such as the Environmental Zone. No portion of the proposed modification encroaches beyond the boundary into the Environmental Zone. The landscape treatment adjacent to the Environmental Zone has been carefully considered by Site Image and previously Cloustone and this is reflected in the modified landscape drawings.

A habitat fence is proposed along the boundary with the Environmental Zone and the VDC and will be the same form of fencing which has been constructed elsewhere in the residential subdivision. The fence is designed to function as a barrier to people gaining access to the Environmental Zone whilst also being permeable to flora and fauna.

5.13 Natural Hazards

The original Concept Plan and Project Application (including its various amendments) has been the subject of numerous investigations which indicated that a VDC in the location proposed would not be impacted by any natural hazards. The previous reporting on the natural hazards, including: bushfire, acid sulfate soils and flooding have been considered in the previous Environmental Assessments and are not proposed to be reinvestigated as the modification to the Project Application is generally consistent with the original Concept Plan for the VDC.

5.14 Heritage

The portion of the site on which the VDC is to be located does not contain any known European Heritage items or European archaeological heritage.

While the site is highly disturbed, it is understood that investigations concerning Indigenous heritage have been undertaken as part of the previous Environmental Assessments and further investigations are not proposed at this time.



5.15 Landscape Strategy

The landscape works proposed as part of this modified Project Application for the VDC are consistent with the rationale and principles as set out in the Landscape Masterplan report prepared by Clouston Associates as part of the VCV & VDC Concept Plan approval.

5.16 Accessibility

An access report was prepared to assess the design changes in Modification 2, Modification 3 does not propose any changes to the levels or access which were acceptable in Modification 2..

5.17 Crime Prevention

The modification seeks to implement the CPTED principles as demonstrated in the previous approvals. As such, it was considered that a new assessment report was not required.

5.18 ESD

Strategic Paradigm reviewed the proposed changes in Modification 3 and provided the following advice:

Firstly the Cundall Report in response to the DGR's was prepared in 2008 and since that time there has been significant changes to the BCA and in particular Section J. These changes from a sustainability point of view have generally increased the minimum performance requirements which will result in substantially reduced energy consumption & therefore reduced greenhouse gas emissions. In essence the BCA has raised the benchmark to ensure a more efficient outcome.

The second reason is that as per the Cundall report there was not a rating tool available under the NABERS scheme for the retail spaces. NABERS has since introduced rating tools for Retail Energy and Water and these will provide the necessary rating & benchmarking.

The original commitment was to utilise the NABERS scheme for the commercial spaces and the Green Star for the Retail spaces. Whilst these commitments were reasonable at the time there are now more advanced tools / schemes available that in my view are more relevant to the proposed development.

A substantial proportion of the GFA will be majors, ie Woolworths and Big W and neither Green Star or NABERS assess the fit outs of the majors and therefore the BCA and the tenants performance briefs would specify the minimum requirements for the base building and fit out respectively.

Additionally the original scheme was to have open malls and it is now proposed to enclose these.

From a sustainability point of view it is my opinion that this has little relevance. The sustainability measures that would be taken are relevant to which scenario is adopted. In an open type mall the shopfronts would need to consider outdoor environment, lighting, maintenance, vermin, the impact of the elements on the air conditioned spaces. In the enclosed mall situation shopfronts can be designed as interior elements, there is still lighting, less vermin proofing and less impact of outdoor air on conditioned spaces. In both scenarios the indoor environment would consider natural light levels.

The latest Cundall report deals more holistically with the two options and provides a more detailed analysis of the comparison.

In summary I think we should revisit the commitments being made and substantiate on the basis of the amount of time which has lapsed and the fact that more relevant benchmarking tools have been introduced since the original commitments were made.

The proposed Modifications will not alter this approach to ESD.

5.19 Statement of Commitments

As outlined previously in this EA report, a number of approvals have been granted by the Minister for Planning for the Vincentia Coastal Village (VCV) and the Vincentia District Centre (VDC).

The PAC Order and Instrument of Approval for Modification 3 can be found at **Appendix F**.

The proponent seeks approval for the changes shown in the drawings at **Appendix A** and to this end also requests conditions 1.1 and 1.2 be modified.

No changes are sought to the Statement of Commitments which formed part of the Submissions Report with Modification 3.

6.0 CONCLUSION

This Environmental Assessment (EA) details the changes and has assessed the changes as satisfactory under Section 75W of the EP & A Act (as amended).

The proponent respectfully requests that the Director-General process this request as soon as possible.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444 or 0488 221082.

Yours sincerely


THE PLANNING GROUP NSW PTY LTD



Marian Higgins
(Director)





Submission of Environmental Assessment (EA) Prepared under FORMER Part 3A of the <i>Environmental Planning and Assessment Act (EP&A Act) 1979.</i>	
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EA prepared by	
Name	Marian Higgins
Qualifications	Bachelor of Town Planning (UNSW) Master of Environmental and Local Government Law (Mac Uni)
Address	The Planning Group (NSW) Pty Ltd (TPG) PO Box 1612, North Sydney 2059.
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Project to which Part 3A applies	MP 06_0205 (Mod 3)
Proponent name	TPG c/- Fabcot Pty Limited
Proponent address	Suite 102, 8 West Street, NORTH SYDNEY NSW 2060
Land on which the development is to be carried out: address	The Land Area subject of this application is illustrated in Figure 1.
Proposed development	Modification of Project Approval for Vincentia District Centre
Environmental Assessment	An Environmental Assessment (EA) is attached.
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Certificate	I certify that I have prepared the contents of this document and to the best of my knowledge: It is in accordance with the requirements of Part 3A (as amended and the transitional provisions), It contains all available information that is relevant to the environmental assessment of the development, and It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.
Signature / Name / Date	 Marian Higgins / 18 November 2011

APPENDIX A



APPENDIX B



APPENDIX C



APPENDIX D



APPENDIX E



APPENDIX F

