

ENVIRONMENTAL ASSESSMENT



TOWN PLANNING
AND URBAN DESIGN

Major Project Application No. 06_0205 - Vincentia District Centre – Modification 5

for Fabcot Pty Ltd

November 2012

212.112 EAR

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

Copyright Notice: The Planning Group NSW Pty Limited

The copyright in this work is vested in The Planning Group NSW Pty Limited and the document is issued in confidence for the purpose only for which it is supplied. It must not be reproduced in whole or in part except under an agreement with, or with the consent in writing of, The Planning Group NSW Pty Limited and then only on the condition that this notice appears in any such reproduction. No information as to the contents or subject matter of this document or any part thereof may be given orally or in writing or communicated in any manner whatsoever to any third party without prior consent in writing of The Planning Group NSW Pty Limited.

SYDNEY OFFICE

Suite 102, 8 West Street PO Box 1612 Telephone +61 2 9925 0444 The Planning Group NSW Pty Ltd
North Sydney NSW 2060 North Sydney NSW 2059 Facsimile +61 2 9925 0055 ABN 90 100 209 265
www.tpgnsw.com.au

Environmental Assessment
 Vincentia District Centre Part 3A Modification


Submission of Environmental Assessment (EA) Prepared under Part 3A of the <i>Environmental Planning and Assessment Act (EP&A Act) 1979</i> .	
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 PO Box 1612, North Sydney 2059.
Project to which Part 3A applies	MP 06_0205
Proponent name	Fabcot Pty Limited
Proponent address	1 Woolworths Way, Bella Vista NSW 2153
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 Town Centre
Environmental Assessment	An Environmental Assessment (EA) is attached.
Certificate	<p>I certify that I have prepared the contents of this document and to the best of my knowledge:</p> <p>It is in accordance with the requirements of Part 3A,</p> <p>It contains all available information that is relevant to the environmental assessment of the development, and</p> <p>It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.</p>
Signature / Name / Date	 Marian Higgins / 23 November 2012



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	SITE DESCRIPTION	2
2.1	LOCATION AND CONTEXT	2
2.2	DESCRIPTION	2
2.3	SURROUNDING DEVELOPMENT	4
3.	EXISTING PART 3A APPROVALS	5
4.	PROPOSED MODIFICATION	8
4.1	MODIFICATION TO APPROVED DEVELOPMENT	8
4.2	JUSTIFICATIONS FOR MODIFICATION	8
4.2.1	Site plan and layout	9
4.2.2	Land uses and gross floor areas	10
4.2.3	Building envelopes and design	10
4.2.4	Access and parking	11
4.2.5	Landscaping	11
4.2.6	Stormwater management	11
4.2.7	Utility services strategy	12
4.2.8	Staging	12
4.3	MODIFICATION TO PROJECT APPROVAL TERMS AND CONDITIONS	12
4.3.1	SCHEDULE 1 CHANGES – INSTRUMENT OF APPROVAL	12
4.3.2	SCHEDULE 2 CHANGES - CONDITIONS	12
5.	SUMMARY REVIEW OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS	13
5.1	COMMONWEALTH ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999	13



5.2	NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – APPROVED PROJECTS UNDER FORMER PART 3A.....	13
5.2.1	Part 3A Concept Plan Approval for Vincentia Coastal Village	13
5.2.2	Modification to Part 3A Project Approval for Vincentia District Centre	14
5.3	STATE ENVIRONMENTAL PLANNING POLICIES.....	16
5.3.1	State Environmental Planning Policy 2005 (Major Development).....	16
5.3.2	State Environmental Planning Policy Infrastructure 2007.....	24
5.3.3	State Environmental Planning Policy No. 55 – Remediation of Land..	26
5.3.4	State Environmental Planning Policy No. 71 – Coastal Protection	27
5.3.5	Jervis Bay Regional Environmental Plan 1996.....	32
5.3.6	South Coast Regional Strategy.....	32
5.4	SHOALHAVEN LEP	33
5.5	OTHER PLANS.....	33
5.5.1	NSW COASTAL POLICY.....	33
5.5.2	NSW COASTAL DESIGN GUIDELINES.....	34
5.5.3	NSW DRAFT CENTRES POLICY	35
5.5.4	DRAFT STATE ENVIRONMENTAL POLICY (COMPETITION) 2010	35
5.5.5	Shoalhaven Development Control Plan No 18 – Car Parking Guidelines.....	36
5.5.6	Shoalhaven Development Control Plan No 78 – On-Site Sewerage Management.....	36
5.5.7	Shoalhaven Development Control Plan No 93 Amendment No 1 – Controls for Waste Minimisation and Management	36
5.5.8	Jervis Bay Settlement Strategy.....	37
6.	ENVIRONMENTAL ASSESSMENT	38
6.1	CONCEPT PLAN	40
6.2	TRAFFIC IMPACTS	40



6.3	URBAN DESIGN.....	40
6.4	VISUAL IMPACTS	41
6.5	SOCIAL IMPACTS.....	41
6.6	STREETSCAPE AND PUBLIC DOMAIN	41
6.7	NOISE AND LIGHT IMPACTS	41
6.8	WATER QUALITY AND WASTE MANAGEMENT.....	41
6.9	ADJOINING LAND.....	41
6.10	OTHER ISSUES / CONSIDERATIONS.....	41
6.10.1	Utilities and infrastructure	41
6.10.2	Economic Impact.....	42
6.10.3	Flora and Fauna	42
6.10.4	Natural Hazards.....	42
6.10.5	Heritage.....	42
6.10.6	Landscape Strategy.....	42
6.10.7	Accessibility	43
6.10.8	Crime Prevention.....	43
6.10.9	ESD.....	43
7.	AMENDED STATEMENT OF COMMITMENTS	44
8.	CONCLUSION AND JUSTIFICATION.....	45

APPENDICES

Appendix A: Architectural Drawings by Scott Carver

Appendix B: Design Statement by Scott Carver

Appendix C: Proposed Project Staging Report by MacroPlan Dimasi

Appendix D: Traffic Report by CBHK

Appendix E: Amended Statement of Commitments by TPG



FIGURES

Figure 1: Site Location

Figure 2: Regional Context of the Site

TABLES

Table 1: History of Planning Approvals

Table 2: Proposed modification gross floor areas

Table 3: Proposed modification to number of car parking spaces in overall development

Table 4: Schedule 3, Part 29 of *State Environmental Planning Policy 2005 (Major Development)*

Table 5: *State Environmental Planning Policy No. 71 – Coastal Protection*; Clause 8 Matters for Consideration

Table 6: DGEARs Responses



EXECUTIVE SUMMARY

This Environmental Assessment report (EAR) has been 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 5 throughout this report.

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. The VDC site has an area of 12.677ha.

Proposed Modification

The modification can be summarised as involving the following changes:

- i. Arbour Walk link strengthened to Arbour Street;
- ii. Primary Loading dock relocated;
- iii. Relocation of Moona Creek Road tenancies to front Arbour Street;
- iv. Big W relocated;
- v. Woolworths and Aldi relocated;
- vi. Pad sites relocated;
- vii. Boardwalk link design amended;
- viii. Building footprint and net Lettable area reduced;
- ix. Stage 1B plan removed;
- x. Primary circulation driveway reconfigured; and
- xi. Building level raised to RL 13.0.

If approved, the modification will not radically alter the development from its approved form and therefore can be considered as a modification. The footprint of the development is considered to be entirely consistent with the view formed by the Department in the consideration of Modifications 2, 3 and 4. Refer to **Appendix A** for proposed layout drawings.



The nature of the change is not dissimilar to the recently approved Modification 4 and in fact is a down-sizing for Stage 1 to enable a neighbourhood centre initially and then grow into a sub-regional centre over time as the population increases. The Stage 1 proposal is essentially the same in terms of scale as that which was approved with the Original Project Application in 2009 for the Vincentia District Centre (VDC).

The nature of the proposed changes relate also to adjustments in the staging so as to “tune” the development outcome to meet market expectations. More specifically, the nature of the changes sought relate to condition 1.1 and the conditions regarding road timing of the Instrument of Approval.

1. INTRODUCTION

This Environmental Assessment Report (EAR) is submitted as a request under Section 75W of the *Environmental Planning and Assessment Act, 1979* for Modification 5 to the Project Approval (MP 06_0205) for the Vincentia District Centre (VDC). It has been prepared by The Planning Group NSW Pty Ltd (TPG NSW) on behalf of the proponent and landowner Fabcot Pty Ltd which is a wholly owned subsidiary of Woolworths Limited.

The EAR provides information on the following:

- Site description;
- Existing Part 3A Approvals and Modifications;
- Proposed Modification 5 to the approved development and the terms and conditions of the Part 3A Project Approval;
- Environmental Assessment of Modification 5 addressing the matters specified in the Director-General's Requirements issued in 17 February 2010 for Modification 2; and
- Conclusions on the environmental assessment and justification for Modification 5.

2. SITE DESCRIPTION

2.1 LOCATION AND CONTEXT

The site is located on the south-west corner of Moona Creek Road and Naval College Road (also shown as Jervis Bay Road), Vincentia in the Shoalhaven Council area on the south coast of NSW.

The site has an area of approximately 12.677 hectares. **Figure 1** indicates the site location.



Figure 1: Site Location (Site shown in red)

2.2 DESCRIPTION

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.

The VCV & VDC site is 127 hectares (ha) of land located on the northern intersection of Jervis Bay Road (Naval College Road) and The Wool Road, Vincentia. The site is within the Shoalhaven City Council Local Government Area, approximately half way between Nowra and Ulladulla.

The site is located approximately two kilometres south west of the existing Vincentia Township, and is bound by the Jervis Bay National Park and Jervis Bay National Park Wetlands to the west and north, The Wool Road to the east and Naval College Road to the south. The site upon which the Stage 1 Project Application approval of the District Centre has been granted is located within the VCV & VDC and has an area of 12.16 ha.

Figure 2 demonstrates the location of the site relative to its regional context.

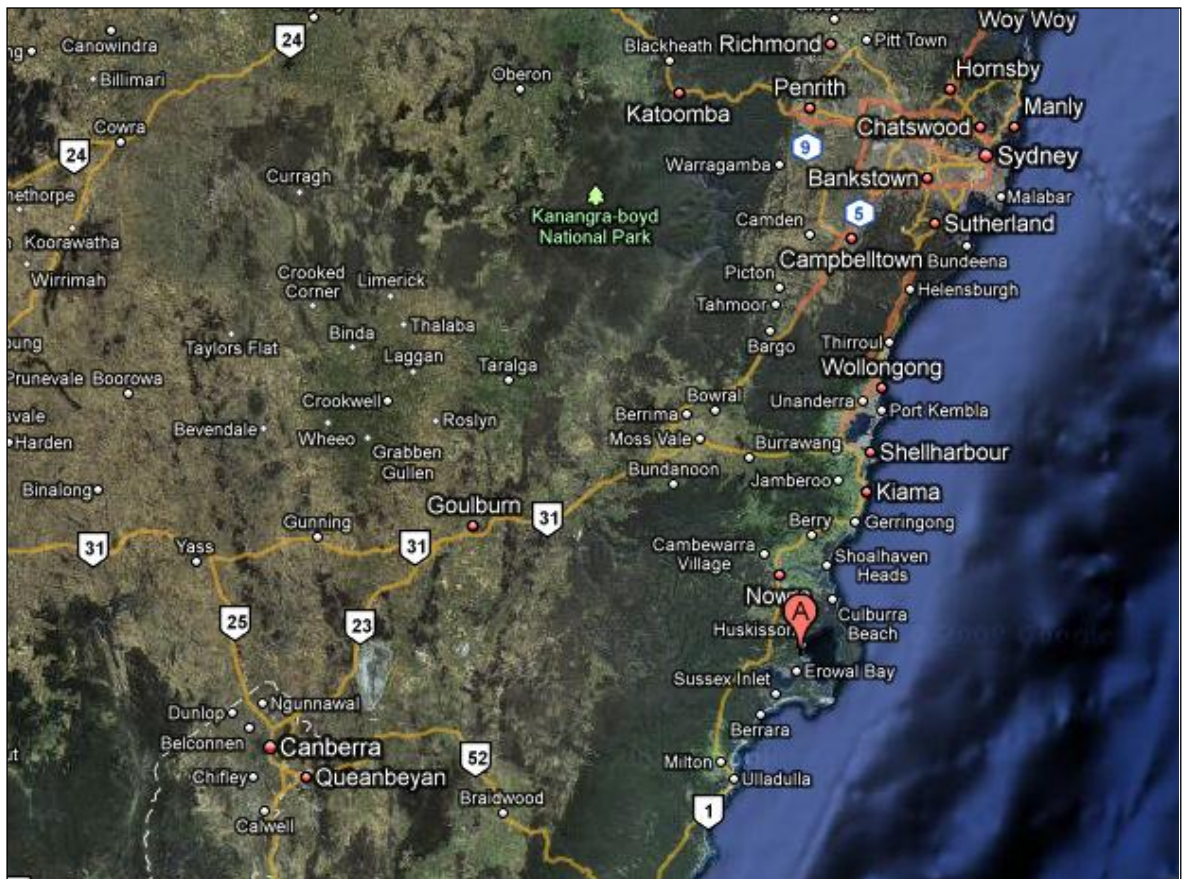


Figure 2: Regional Context of the Site

Source: Google Maps (Approximate site location shown by 'A')

2.3 SURROUNDING DEVELOPMENT

As the site is separated from the main township of Vincentia and bound on either side by the Jervis Bay National Park (see **Figure 1**), surrounding land uses are limited, involving mostly rural-residential housing dating back to the middle of the Twentieth Century.

Services and facilities in proximity to the VCV & VDC site include the Vincentia Primary School and Vincentia High School located to the east, the Bay and Basin Leisure Centre which is adjacent to the north east boundary of the site and convenience shopping at Vincentia, Erowal Bay and St Georges Basin.

3. EXISTING PART 3A APPROVALS

The existing Part 3A Approvals on the site include:

- Part 3A Concept Plan Approval for Vincentia Coastal Village (VCV) and Project Approval for residential subdivision, open space and road layout (MP 06_0060); and
- Part 3A Project Approval for Vincentia District Centre (VDC) (MP 06_0205).

Table 1 provides a brief history of the Part 3A Approvals and modifications on the 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>

Date:	Planning Approval:
	Proposal to modify the project approval to include 3 additional residential lots within the approved development area.
13 February 2009	Modification 4: To clarify the timing for the payment of section 94 contributions
20 April 2009	Modification 5: 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.
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) site preparation works (including earthworks and vegetation clearing) with the Stage 1, (b) subdivision to create a 12.24 ha Lot upon which the District Centre will be constructed, (c) 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), (d) fit out and occupation of the Woolworths, Big W and Aldi supermarkets, (e) roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas), (f) 683 car parking spaces, two loading docks and trolley storage, (g) provision of infrastructure for water, sewerage, electricity and

Environmental Assessment
 Vincentia District Centre - Modification 5

Date:	Planning Approval:
	<i>telecommunications,</i> <i>(h) 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, 2011 and 2012	Various Modification to the VCV.
15 March 2011	Modification 2 Vincentia District Town Centre
3 August 2011	Order made by Planning Assessment Commission – amended 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.
17 April 2012	Modification 4 approved by Department of Planning and Infrastructure to amend the mall width and other minor built form design changes.

4. PROPOSED MODIFICATION

4.1 MODIFICATION TO APPROVED DEVELOPMENT

The proposed modification involves:

- i. Arbour Walk link strengthened to Arbour Street;
- ii. Primary Loading dock relocated;
- iii. Relocation of Moona Creek Road tenancies to front Arbour Street;
- iv. Big W relocated;
- v. Woolworths and Aldi relocated;
- vi. Pad sites relocated;
- vii. Boardwalk link design amended;
- viii. Building footprint and net Lettable area reduced;
- ix. Stage 1B plan removed;
- x. Primary circulation driveway reconfigured; and
- xi. Building level raised to RL 13.0.

The proposed modified development is shown in the architectural drawings prepared by Scott Carver which can be found at **Appendix A**. In addition, Scott Carver has prepared a design statement which can be found at **Appendix B**.

A detailed description of the proposed modifications is provided in the following sections.

4.2 JUSTIFICATIONS FOR MODIFICATION

A primary issue for Fabcot is that the VDC must enable staging for a feasible centre development.

Fabcot have sought to make the VDC much more cost efficient in its initial stages by revising the design and staging.

This approach has been the result of detailed design and costing of the approval as issued in Mod 4, and Fabcot having obtained tendered costs to build. This process has revealed the approved development in Mod 4 in its initial staging is not feasible due to construction costs of the approved design.

In addition, Fabcot have sought a report from experts in the retail marketplace MacroPlan Dimasi who have provided a report at **Appendix C**, which advises:

The key reason for the staging of Shoalhaven Marketplace which is now proposed, with the supermarkets and related convenience shopping elements to be provided first and the more discretionary discount department store and other specialty stores to be provided in the second stage, is the deterioration in discretionary retail conditions.

And the MacroPlan Demasi Report concludes:

The plan to stage Shoalhaven Marketplace as now proposed is a prudent response to the changed economic and population circumstances within the relevant trade area. In the event that the centre as proposed in 2009 were now to be built, there is a very high likelihood that both the planned discount department store and more importantly, the additional retail specialty stores, would trade very poorly.

That in turn would generate vacancies and a significant number of distressed small business operators, which would impact negatively on the entire centre, and stigmatise it for the longer term. Centres which have opened in such problematic circumstances are normally stigmatise for many years, and find it difficult to recover from such an initial setback.

That being the case, a Stage 1 centre which is much more likely to be fully let and to trade vibrantly would result in a greater net community benefit for the Vincentia community. The subsequent Stage 2 could then be added to a thriving, successful centre, as economic conditions improve and the available expenditure market increases commensurately.

The modification to the development and Part 3A Project Approval will enable Fabcot to commence construction of the first stage of the Vincentia District Centre as soon as possible on-site following approval.

4.2.1 Site plan and layout

The proposed site layout is shown in the architectural drawings at **Appendix A**.

The proposed modifications retain a similar overall development footprint and layout on the site on the south side of Moona Creek Road with similar siting of building envelopes, vehicle and pedestrian access, car parking and landscaped setback around the periphery, and stormwater detention pond on eastern boundary.

The proposed modifications to the site layout include the following:

- refinement to building envelopes;
- rearrangement of distribution of retail uses;
- reduction in the footprint of specialty retailing;
- revision to the location of the village green and library;
- refinement to car parking layout and introduction of internal road connection and parking through centre of the site in east-west direction;
- relocation of loading docks to Moona Creek Road frontage;
- addition of a new service station on the corner of Moona Creek Road and Naval College Road; and
- deletion of retail and commercial use on north side of Moona Creek Road.

4.2.2 Land uses and gross floor areas

The proposed modifications to the land uses and gross floor areas in the approved development are shown below in **Table 2**.

Table 2: Proposed modification gross floor areas (GFA)

Activity	Proposed GFA
Woolworths Supermarket	4187m ²
ALDI Supermarket	1396m ²
Big W Discount Department Store	7780m ²
Mini-major	1317m ²
Specialty retail	4553m ²
Retail/Bulky goods (Stage 2)	6902m ²
Arcade	3292m ²
Library	690m ²
Amenities	201m ²
Service station site (subject to separate DA)	70m ²
Future Development Site 1 (subject to separate DA)	100m ²
Future development Site 2 (subject to separate DA)	100m ²
Total	30,588m²

The approved and proposed staging of development is described in **Section 4.1.8** below.

4.2.3 Building envelopes and design

The proposed building envelopes and designs are shown in the architectural drawings at **Appendix A**. The general siting and footprint of buildings in the proposed modification is similar to the approved development. The building designs are modified to accommodate the revised distribution of retail uses on the site and meet construction cost budget imperatives.

4.2.4 Access and parking

Vehicle and pedestrian access

The proposed modifications retain the approved vehicle and pedestrian access points off surrounding roads and the approved internal roads and pedestrian paths through the site.

Car parking

The proposed modification includes refinements to the car parking layout and introduction of internal road connection and parking through the centre of the site in an east-west direction.

The proposed modification to the number of car parking spaces is shown in **Table 3**.

Table 3: Proposed modification to number of car parking spaces in overall development

Approved number of car spaces	Proposed number of car parking spaces
1,310	1,206

Loading docks

The proposed modifications include the relocation of loading docks in the retail buildings fronting Moona Creek Road from the side of the retail buildings to the street front as shown in the architectural drawings at **Appendix A**. The modification provides a more efficient and cost effective design and use of the land.

Surrounding roads

The proposed modification seeks the deletion of conditions in the Part 3A Approval requiring the widening of Naval College Road and The Wool Road to four lanes in the Stage 1 approval, as the existing road width has capacity to accommodate traffic generation from planned development on the site and surrounding locality associated with the GFA of Stage 1. Widening these roads to four lanes is cost prohibitive and is not needed to provide access at a good level of service for planned development on the site and in the locality. Refer to the assessment of the traffic network within the CBHK report at **Appendix D**.

4.2.5 Landscaping

The proposed modification is to retain the approved landscaping concept for the perimeter of the site, through the car park areas, and around the village green and stormwater pond.

4.2.6 Stormwater management

The proposed modification seeks to employ the same stormwater management principles as that of the original approval and subsequent modifications for the site including WSUD mechanisms through the at-grade parking area of both Stage 1 and 2, the provision of a

detention pond in Stage 1 with engineered weir and water flow into the wetland area which has removed nutrient loads as has been already approved. Therefore, no changes are proposed to the stormwater management principles.

4.2.7 Utility services strategy

The strategy and plans for delivering utility services for the development are not changed.

4.2.8 Staging

The proposed modifications to the staging of development are shown in the architectural drawings at **Appendix A**.

4.3 MODIFICATION TO PROJECT APPROVAL TERMS AND CONDITIONS

In order to implement the proposed modifications to the approved development, the following modifications are proposed to the terms and conditions of the Part 3A Project Approval for Vincentia District Centre (VDC) (MP 06_0205) with deletions shown with strike-through and additions underlined.

4.3.1 SCHEDULE 1 CHANGES – INSTRUMENT OF APPROVAL

It is requested that the Instrument of Approval be modified to allow for the staging as now proposed.

4.3.2 SCHEDULE 2 CHANGES - CONDITIONS

It is requested that the Instrument of Approval be modified to allow for the staging as now proposed including changes to the following conditions:

- Condition 1.1 and 1.2 (of MOD 4); and
- Conditions 2.1(i), 2.5, 2.15, 2.16 and 2.24 (of MOD 3).

5. SUMMARY REVIEW OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

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

5.1 COMMONWEALTH ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Approval has previously been sought and obtained from the former Commonwealth Department of Environment and Water Resources for the development under sections 18 and 18A (Listed threatened species and ecological communities) of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). This approval reduced the developable footprint from the original concept approval and established an Environmental Zone for the site which must be managed in perpetuity to protect listed threatened species, biodiversity and habitat corridor values.

The proposed modification relates to the same developable footprint approved as part of the concept plan application and subsequent Commonwealth EPBC referral. The general footprint of the VDC including buildings, water feature and car parking areas are maintained.

5.2 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – APPROVED PROJECTS UNDER FORMER PART 3A

5.2.1 Part 3A Concept Plan Approval for Vincentia Coastal Village

As noted in Section 3 of this EAR, the subject site is located within the area covered by the Part 3A Concept Plan Approval for Vincentia Coastal Village (MP 06_0060). The Part 3A Concept Plan Approval establishes the Vincentia District Centre on the site.

The proposed modifications are consistent with the terms of the Part 3A Concept Plan Approval for Vincentia Coastal Village and the Vincentia District Centre.

Design Competition

It is noted that the Director-General's previous report states in part in relation to the Design Competition process:

Modification A4 to Schedule 2 of the concept approval required the Proponent to undertake a design excellence competition for the proposed District Centre that was to be assessed by an independent jury panel.

A Design Competition Brief approved by the Department was used by the Proponent to brief three architectural firms that were invited to participate in the design excellence competition. Each of the three participants submitted one design proposal consistent with the approved concept plan (conforming entry) and one non-confirming entry addressing the design, environmental and commercial merits of varying from the concept approval.

From the six design submissions entered into the competition, the jury panel unanimously selected architects Rice Daubney's non-conforming entry as the preferred design subject to a number of modifications. The winning design submission was then modified in accordance with the jury panel's recommendations and it is the modified version of the design master plan that now forms the basis of the project application for Stage 1 of the District Centre.

To this end, a Design Statement (refer **Appendix B**) accompanies Modification 5. The Design Statement indicates that the four main public domain elements are maintained within the changes shown in the drawing which accompany Modification 5.

In this way, the principles of the selected the winning entry will be maintained and minor design iterations associated with the timing and allocation of floor space have evolved since the winning entry. As such, Modification 5 demonstrates consistency with the Concept Approval and Project Application.

5.2.2 Modification to Part 3A Project Approval for Vincentia District Centre

The proponent requests that the Minister or his delegate modify the Project Approval (MP 06_0205) for the Vincentia District Centre under Section 75W of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) as described in Section 4 of this EAR.

Section 75W of the EP&A Act applies to the proposed modification based on Schedule 6A Transitional Arrangements – Repeal of Part 3A of the EP&A Act which states the following:

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,*
 - (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 as follows:

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, based on the following:

- the proposed modification will not, according to the Department of Planning and Infrastructure, radically alter the development from its approved form; and
- the site layout, land uses, scale and footprint of buildings, access points and car parking footprint, landscaping concept and stormwater management concept are not dissimilar to the approved development.

The modification to the approved Project Application will enable Fabcot to commence construction of the first stage of the Vincentia District Centre as soon as possible on-site following approval.

5.3 STATE ENVIRONMENTAL PLANNING POLICIES

5.3.1 State Environmental Planning Policy 2005 (Major Development)

State Environmental Planning Policy (Major Development) 2005 identifies and specifies the planning controls for State significant sites in Schedule 3 of the SEPP. The Vincentia Coastal Village is identified as a State significant site in Schedule 3 – Part 29 of the SEPP, and the relevant planning controls are addressed in the following table.

Table 4: Schedule 3 Part 29 - Vincentia Coastal Village site

Provision in SEPP Major Development	Comment
<p>Division 1 - Preliminary</p> <p>1 Land to which Part applies</p> <p><i>This Part applies to the land shown edged heavy black on the Land Application Map, referred to in this Part as the "Vincentia Coastal Village site".</i></p>	<p>The proposed modifications relate to the "Land to which Part applies".</p>
<p>2 Interpretation</p> <p><i>(1) In this Part:</i></p> <p><i>"Additional Permitted Uses Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Additional Permitted Uses Map.</i></p> <p><i>"Building Height Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Building Height Map.</i></p> <p><i>"Council" means the Shoalhaven City Council.</i></p> <p><i>"Exempt and Complying Development Controls-Vincentia Coastal Village" means the document of that name as approved by the Director-General on 8 July 2008 and held at the office of the Council.</i></p> <p><i>"heritage item" means:</i></p> <p><i>(a) an archaeological site, or</i></p> <p><i>(b) a place of Aboriginal heritage significance, or</i></p> <p><i>(c) a building, work, relic or tree that is situated within a site referred to in paragraph (a) or a place referred to in paragraph (b).</i></p> <p><i>"Land Application Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Land Application Map.</i></p> <p><i>"Land Reservation Acquisition Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Land Reservation Acquisition Map.</i></p>	<p>Noted</p>

Provision in SEPP Major Development	Comment
<p><i>"Land Zoning Map" means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 29)-Vincentia Coastal Village Site-Land Zoning Map .</i></p> <p><i>(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006 unless it is otherwise defined in this Part or is referred to in the definition of "heritage item" in this Part.</i></p>	
<p>3 Consent authority</p> <p><i>The consent authority for development on land within the Vincentia Coastal Village site, other than development that is a project to which Part 3A of the Act applies, is the Council.</i></p>	<p>The consent authority for this modification is the Minister for Planning or his delegate.</p>
<p>4 Maps</p> <p><i>(1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:</i></p> <p><i>(a) approved by the Minister when the map is adopted, and</i></p> <p><i>(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.</i></p> <p><i>(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.</i></p> <p><i>(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.</i></p> <p><i>(4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.</i></p>	<p>Noted.</p>
<p>5 Relationship with other environmental planning instruments</p> <p><i>The only environmental planning instruments that apply, according to their terms, to land within the Vincentia Coastal Village site are this Policy and all other State environmental planning policies except for the following:</i></p> <p><i>(a) State Environmental Planning Policy No 1-Development Standards,</i></p> <p><i>(b) State Environmental Planning Policy No 71-Coastal Protection.</i></p>	<p>Noted</p>
<p>Division 2 - Part 3A projects</p> <p>6 Part 3A projects</p> <p><i>(1) Such development within the Vincentia Coastal Village site as has a capital investment value of more than \$5 million, other than development for the purposes of a public utility undertaking.</i></p> <p><i>(2) Subdivision of land within the Vincentia Coastal Village site,</i></p>	<p>The proposal involves the modification of an existing Part 3A Project Approval which meets this criteria.</p>

Provision in SEPP Major Development	Comment
<p><i>other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:</i></p> <p>(a) <i>widening a public road,</i></p> <p>(b) <i>a minor realignment of boundaries that does not create additional lots or the opportunity for additional lots,</i></p> <p>(c) <i>a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,</i></p> <p>(d) <i>rectifying an encroachment on a lot,</i></p> <p>(e) <i>creating a public reserve,</i></p> <p>(f) <i>excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.</i></p>	
<p>Division 3 - Provisions applying to development within Vincentia Coastal Village site</p> <p>7 Application of Division</p> <p><i>This Division applies with respect to development within the Vincentia Coastal Village site and so applies whether or not the development is a project to which Part 3A of the Act applies.</i></p>	<p>This proposed modification relates to the District Centre within the Vincentia Coastal Village.</p>
<p>8 Land use zones</p> <p><i>(1) For the purposes of this Part, land within the Vincentia Coastal Village site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:</i></p> <p>(a) <i>Zone R2 Low Density Residential,</i></p> <p>(b) <i>Zone B2 Local Centre,</i></p> <p>(c) <i>Zone RE1 Public Recreation,</i></p> <p>(d) <i>Zone E2 Environmental Conservation.</i></p> <p><i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p>	<p>The land is zoned B2 Local Centre and the proposed modification is consistent with the objectives of the zone as described below.</p>
<p>9 Zone R2 Low Density Residential</p>	<p>The proposed modifications do not apply to the R2 Zone.</p>
<p>10 Zone B2 Local Centre</p> <p><i>(1) The objectives of Zone B2 Local Centre are as follows:</i></p> <p>(a) <i>to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,</i></p> <p>(b) <i>to encourage employment opportunities in accessible locations,</i></p> <p>(c) <i>to maximise public transport patronage and encourage walking and cycling,</i></p> <p>(d) <i>to incorporate contemporary design principles in the design of new buildings and the relationship of those buildings to the</i></p>	<p>The District Centre site is zoned B2 – Local Centre (in Schedule 3 of the Major Development SEPP). The proposed modifications are to deliver a District Centre consistent with the objectives of the zone, and the proposed development of retail premises, service station and community facility are all permissible with consent in the B2 Zone on the site.</p>

Provision in SEPP Major Development	Comment
<p><i>public domain and the natural environment,</i></p> <p><i>(e) to promote energy efficiency and other sustainable development practices,</i></p> <p><i>(f) to minimise the impact on residential development from non-residential development (such as impacts relating to operating hours, noise, loss of privacy and vehicular and pedestrian traffic).</i></p> <p><i>(2) Development for any of the following purposes is permitted without development consent on land within Zone B2 Local Centre:</i></p> <p><i>environmental protection works.</i></p> <p><i>(3) Development for any of the following purposes is permitted only with development consent on land within Zone B2 Local Centre:</i></p> <p><i>amusement centres; business premises; car parks; child care centres; community facilities; drainage; earthworks; educational establishments; entertainment facilities; environmental facilities; filming; flood mitigation works; food and drink premises; function centres; funeral chapels; funeral homes; health consulting rooms; hospitals; information and education facilities; kiosks; landscape and garden supplies; markets; medical centres; mixed use development; neighbourhood shops; office premises; passenger transport facilities; places of public worship; public administration buildings; pubs; recreation areas; recreation facilities (indoor); recreation facilities (major); recreation facilities (outdoor); registered clubs; restaurants; retail premises; roads; schools; service stations; shop top housing; signage; take away food and drink premises; temporary structures; tourist and visitor accommodation; veterinary hospitals.</i></p> <p><i>(4) Except as otherwise provided by this Part, development is prohibited on land within Zone B2 Local Centre unless it is permitted by subclause (2) or (3).</i></p>	
<p>11 Zone RE1 Public Recreation</p>	<p>The proposed modifications do not apply to the RE1 Zone.</p>
<p>12 Zone E2 Environmental Conservation</p>	<p>The proposed modifications do not apply to the E2 Zone.</p>
<p>13 Additional permitted uses for particular land</p> <p><i>(1) Development for the purposes of bulky goods premises and timber and building supplies is permitted with consent on land in Zone B2 Local Centre and edged heavy black and hatched on the Additional Permitted Uses Map.</i></p> <p><i>(2) This clause has effect despite anything to the contrary in any other provision of this Part.</i></p>	<p>Not applicable as bulky goods premises are a form of retail premises permissible in the B2 Local Centre Zone.</p>
<p>14 Subdivision consent requirements</p> <p><i>(1) A subdivision of land within the Vincentia Coastal Village site, including a subdivision under the Strata Schemes (Freehold Development) Act 1973 , the Strata Schemes</i></p>	<p>No subdivision is included as part of the proposed modifications.</p>

Provision in SEPP Major Development	Comment
<p><i>(Leasehold Development) Act 1986 , or the Community Land Development Act 1989 , may carried out only with development consent.</i></p> <p><i>(2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:</i></p> <p><i>(a) widening a public road,</i></p> <p><i>(b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional lots,</i></p> <p><i>(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,</i></p> <p><i>(d) rectifying an encroachment on a lot,</i></p> <p><i>(e) creating a public reserve,</i></p> <p><i>(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.</i></p>	
15 Exempt development	The modifications do not include development that would be exempt development.
16 Complying development	The modifications do not include development that would be complying development.
<p>17 Environmentally sensitive areas excluded</p> <p><i>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</i></p>	The modifications do not include exempt or complying development in environmentally sensitive areas.
<p>18 Height of buildings</p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to ensure the scale and bulk of future development is compatible with the existing urban form and surrounding natural coastal bushland,</i></p> <p><i>(b) to ensure that new buildings do not unreasonably affect the amenity of the environment,</i></p> <p><i>(c) to maintain solar access to public reserves, roads and buildings on the site,</i></p> <p><i>(d) to promote development that conforms to and reflects the natural land forms, by stepping development on sloping land to follow the natural gradient.</i></p> <p><i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Building Height Map.</i></p>	The SEPP map specifies a maximum height of 9m over the majority of the site and 3m along part of the Naval College Rd frontage. The proposed buildings have a height of ?m and comply with the 9m height standard.
<p>19 Gross floor area</p> <p><i>The total gross floor area of all buildings on land in Zone B2 Local Centre within the Vincentia Coastal Village site must not</i></p>	The proposed modification will not result in a total GFA exceeding 37,000sq.m and therefore the modification

Provision in SEPP Major Development	Comment
exceed 37,000 square metres.	complies with the maximum in clause 19.
20 Exceptions to development standards	Not applicable.
21 Relevant acquisition authority	Not applicable.
22 Suspension of covenants, agreements and instruments	Noted and not applicable.
23 Controls relating to miscellaneous permissible uses	Not applicable.
<p>24 Development within the coastal zone</p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</i></p> <p>(b) <i>to implement the principles in the NSW Coastal Policy, and in particular to:</i></p> <p>(i) <i>protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and</i></p> <p>(ii) <i>protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and</i></p> <p>(iii) <i>provide opportunities for pedestrian public access to and along the coastal foreshore, and</i></p> <p>(iv) <i>recognise and accommodate coastal processes and climate change, and</i></p> <p>(v) <i>protect amenity and scenic quality, and</i></p> <p>(vi) <i>protect and preserve rock platforms, beach environments and beach amenity, and</i></p> <p>(vii) <i>protect and preserve native coastal vegetation, and</i></p> <p>(viii) <i>protect and preserve the marine environment, and</i></p> <p>(ix) <i>ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i></p> <p>(x) <i>ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and</i></p> <p>(xi) <i>protect Aboriginal cultural places, values and customs, and</i></p> <p>(xii) <i>protect and preserve items of heritage, archaeological or historical significance.</i></p> <p>(2) <i>Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent</i></p>	<p>The proposed modification retains a similar overall site layout and development footprint to the approved development and is consistent with the approved Concept Plan. The proposed modifications are essentially refinements to the arrangement of land uses and detailed design of buildings, car parking, landscaping and stormwater management on site.</p> <p>In comparison to the approved development, the proposed modifications do raise any significant effect on key planning considerations in the coastal zone such as foreshore access, scenic quality and view corridors, coastal processes, biodiversity, natural landforms, water quality or coastal amenity.</p> <p>The NSW Coastal Policy is addressed below in Section 5.</p>

Provision in SEPP Major Development	Comment
<p><i>authority has considered:</i></p> <p><i>(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</i></p> <p><i>(i) maintaining existing public access and, where possible, improving that access, and</i></p> <p><i>(ii) identifying opportunities for new public access, and</i></p> <p><i>(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</i></p> <p><i>(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and</i></p> <p><i>(ii) the location, and</i></p> <p><i>(iii) the bulk, scale, size and overall built form design of any building or work involved, and</i></p> <p><i>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</i></p> <p><i>(i) any significant overshadowing of the coastal foreshore, and</i></p> <p><i>(ii) any loss of views from a public place to the coastal foreshore, and</i></p> <p><i>(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and</i></p> <p><i>(e) how biodiversity and ecosystems, including:</i></p> <p><i>(i) native coastal vegetation and existing wildlife corridors, and</i></p> <p><i>(ii) rock platforms, and</i></p> <p><i>(iii) water quality of coastal waterbodies, and</i></p> <p><i>(iv) native fauna and native flora, and their habitats, can be conserved, and</i></p> <p><i>(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:</i></p> <p><i>(i) on the proposed development, and</i></p> <p><i>(ii) arising from the proposed development, and</i></p> <p><i>(g) the cumulative impacts of the proposed development and other development on the coastal catchment.</i></p> <p><i>(3) Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</i></p> <p><i>(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and</i></p> <p><i>(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</i></p>	

Provision in SEPP Major Development	Comment
<i>(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.</i>	
<p>25 Architectural roof features</p> <p><i>(1) The objectives of this clause are:</i></p> <p><i>(a) to ensure that architectural roof features to which this clause applies are decorative elements only and are consistent in form and scale with the surrounding natural coastal bushland, and</i></p> <p><i>(b) to ensure that the majority of the roof features are contained within the prescribed building height.</i></p> <p><i>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 18 may be carried out, but only with consent.</i></p> <p><i>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</i></p> <p><i>(a) the architectural roof feature:</i></p> <p><i>(i) comprises a decorative element on the uppermost portion of a building, and</i></p> <p><i>(ii) is not an advertising structure, and</i></p> <p><i>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</i></p> <p><i>(iv) will cause minimal overshadowing, and</i></p> <p><i>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</i></p>	<p>The roof design is integrated into the building design, within the height limit, will not cause any significant overshadowing, and is not capable of being used as floor space.</p>
26 Preservation of trees or vegetation	Not applicable as the proposed modification does not involve any further tree or vegetation removal.
27 Heritage conservation	Not applicable as the proposed modification is consistent with the original Concept Plan which included investigations into Indigenous and European heritage on the site of the VDC and no matters were identified.
28 Bush fire hazard reduction	Noted and not applicable to the proposed modifications.
29 Infrastructure development and use of existing buildings of the Crown	Not applicable as the proposed modifications do not relate to development by a public authority or Crown buildings.

5.3.2 State Environmental Planning Policy Infrastructure 2007

The proposal involves a development of the land for a retail centre which has two stages and will not exceed the maximum gross floor area permitted being 37,000 square metres..

Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, the proposal triggers the criteria of Schedule 3 being Column 2: *Size or capacity—site with access to any road Shops – 2,000 square metres in area.*

Clause 104 of the SEPP states:

104 Traffic-generating Development

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
 - (a) *new premises of the relevant size or capacity, or*
 - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, **relevant size or capacity** means:*
 - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road — the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

The traffic implications of the now altered staging for the project have been assessed by Colston Budd Hunt and Kafes (CBHK) which can be found in the report at **Appendix D**. The report has considered the traffic management implication of the altered staging as

well as the parking requirements of the gross lettable area of the revised staging and this report advises in relation to Stage 1:

- 3.26. *The operation of the intersections was reanalysed using SIDRA for 2022 seasonal traffic conditions (existing traffic flows plus 30%) with Stage 1 traffic in place. The analysis found that:*
- ☐ *the roundabout controlled intersection of the Bayswood Avenue and Naval College Road would operate with average delays per vehicle of less than 15 seconds for both peak periods. This represents level of service A/B, a good level of intersection operation;*
 - ☐ *the roundabout controlled intersection of The Wool Road and Naval College Road would operate with average delays per vehicle of less than 30 seconds for both peak periods. This represents level of service B/C, a satisfactory level of intersection operation;*
 - ☐ *the priority controlled intersection of the leisure centre access with The Wool Road would operate with average delays per vehicle of less than 30 seconds (for the movement with the highest delay, right turn out of the leisure centre access) for both peak periods. This represents level of service B/C, a satisfactory level of intersection operation;*
 - ☐ *the roundabout controlled intersection of Naval College Road and Moona Creek Road would operate with average delays per vehicle of less than 15 seconds for both peak periods. This represents level of service A/B, a good level of intersection operation with spare capacity. The analysis is based on a single lane roundabout at this intersection; and*
 - ☐ *the priority controlled intersection of the Moona Creek Road with the western car park access would operate with average delays per vehicle of less than 15 seconds (for the movement with the highest delay, left turn out of the shopping centre) for both peak periods. This represents level of service A/B, a good level of intersection operation.*
- 3.27. *In summary, with Stage 1 traffic in place and Moona Creek Road constructed, the adjoining road network and the site accesses would operate satisfactorily or better in the Thursday afternoon and Saturday midday peak periods. The upgrades (apart from the construction of Moona Creek Road) to surrounding road network identified in previous studies are not required to accommodate traffic from Stage 1 of the proposed shopping centre.*
- 3.28. *In summary, the main points relating to the proposed first stage of the modified shopping centre are:*
- (i) the proposed development is for Stage 1 of the approved shopping centre as part of the Vincentia district centre;*
 - (ii) as additional development occurs in the area there is the potential for improved bus services (more frequent services) to meet increased demand;*
 - (iii) bus stops will be provided along the Moona Creek Road frontage of the site with pedestrian paths connecting the bus stops with the shopping centre;*
 - (iv) the parking provision for the Stage 1 of the shopping centre is considered appropriate and complies with the requirements of DCP 18;*
 - (v) access arrangements and parking layout, subject to detailed design, are considered satisfactory;*
 - (vi) servicing arrangements, subject to detailed design, are considered satisfactory;*

- (vii) *with Stage 1 traffic in place the adjoining road network and the site accesses would operate satisfactorily or better in the Thursday afternoon and Saturday midday peak period; and*
- (viii) *the upgrades (apart from the construction of Moona Creek Road) to surrounding road network identified in previous studies are not required to accommodate traffic from Stage 1 of the shopping centre.*

5.3.3 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist determination authorities and developers. The provisions of SEPP 55 state the following at Clause 7:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Based on the known recent land use history, the land has not been used for any specifically contaminating activity identified under the Managing Land Contamination guidelines. The majority of the land is currently not being used for any purpose and is largely vacant, at a minimum the land may have been used for rural agricultural purposes in the past.

The land is not proposed to be developed for a residential purpose, and has been assessed with the previous approvals as satisfactory. The nature of the changes associated with Modification 5 do not change this conclusion.

5.3.4 State Environmental Planning Policy No. 71 – Coastal Protection

The previous Environmental Assessment Report prepared for the Stage 1 application identified a “small corner of the land” which fell within the “coastal zone”. The proposed modification relates to the Stage 1 approval and therefore SEPP 71 has been considered below.

Table 5: SEPP 71 Clause 8 Matters for consideration

Matters for consideration:	Comment:
(a) the aims of this Policy set out in clause 2,	<p>The previous Environmental Assessment carried out for the Concept Plan and Project Approval demonstrated consistency with SEPP 71. This EAR has built upon those assessments to ensure that consistency with the aims of SEPP 71 is maintained, particularly by:</p> <ul style="list-style-type: none"> • containing the District Centre within the approved footprint and not encroaching into the Environmental Zone to protect the natural setting of the site; • maintaining commitments to provide public access to the coastal foreshore; • implement stormwater mitigation and water quality measures to protect the environment; • protecting and enhancing the coastal vegetation, particularly ecological communities by not encroaching into the Environmental Zone; and • engaging in an architectural design competition process to

Matters for consideration:	Comment:
	achieve a built form outcome that has a bulk, scale and size appropriate for the site, the adjoining future residential development and the adjoining Environmental Zone.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The site is at least 2km from Collingwood Beach and this consideration is therefore not pertinent.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	The approved Concept Plan and project Application makes provision for a pedestrian and cycleway connection to Collingwood Beach. This is not proposed to be altered by this modification.
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The design and built form of the modification as sought to the approved Concept Plan and Project Application for the VDC have been previously discussed. Its design, scale, form and materials will successfully integrate with the future housing on the western side of Moona Creek Road. The landscape treatment is designed to relate to the adjoining Environmental Zone.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The site is not located along the foreshore and this consideration is therefore not relevant.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The scenic qualities of the VCV & VDC site have been addressed in the Concept Plan and Project Approvals. By confining the modification of the VDC to generally within the approved footprint and not encroaching on the Environmental Zone, the VDC will be consistent with the scenic quality outcomes.
(g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats,	The range of considerations under the Threatened Species Conservation Act has been addressed as part of the Concept Plan and Project Application approvals process. In this regard a Species Impact Assessment was prepared and a referral under the Environment Protection and Biodiversity Conservation Act to
(h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats	
(i) existing wildlife corridors and the impact of development on	

Matters for consideration:	Comment:
these corridors,	<p>obtain approval to carry out an Action under the EPBC Act was actioned. The outcome of these studies was the identification of the Environmental Zone as part of the EPBC Act approval. The VDC is located within the developable footprint and does not encroach into the Environmental Zone.</p> <p>As discussed previously, the WSUD measures incorporated into the modified design ensure that pollutant loads are no greater than current loads to protect the habitat provided by the heathland in the Environmental Zone adjoining the VDC.</p> <p>Wildlife corridors were also identified as part of the SIS and EPBC Act approval process. The corridors form part of the Environmental Zone and were one of the range of considerations in determining the developable footprint.</p>
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	The location of the VDC approximately 2km from the coast provides a generous distance from coastal process and coastal hazards.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The District Centre is located approximately 2km from the coast removing the likelihood of such conflicts.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	<p>An archaeological survey for items of Aboriginal and European heritage was carried out in August 2003. No items of Aboriginal heritage were identified, although this was considered to be the result of poor surface exposure rather than a true reflection of Aboriginal site use. The report documenting the survey recommended two areas that should be the subject of preliminary test excavation. Both Potential Archaeological Deposits (PADS) were previously assessed in the Vincentia Master Plan Archaeological Test Excavation Report prepared by Mary Dallas, Dan Tuck and Emeritus Professor RVS Wright January 2006. Both of these PADS are located on the western side of Moona Creek Road and therefore located outside the VDC site. Further the Vincentia</p>

Matters for consideration:	Comment:
	<p>Master Plan Archaeological Test Excavation Report concluded that "PAD 1 and 2, also referred to as DEC Site # 58-2-0392 and 58-2-0393 have been shown on test excavation to retain minimal evidence for a sporadic Aboriginal use of these places. Further archaeological investigation is not warranted." No measures were therefore required to protect Aboriginal heritage.</p>
<p>(m) likely impacts of development on the water quality of coastal waterbodies,</p>	<p>The WSUD report prepared by Cardno Forbes Rigby with Mod 3 (which are not proposed to be altered with Mod 5) proposes a series of WSUD measures that have been modelled to ensure that pollutant loads in stormwater that discharge into the Environmental Zone are no greater than current loads which in turn will protect the water quality of downstream coastal water bodies..</p>
<p>(n) the conservation and preservation of items of heritage, archaeological or historic significance,</p>	<p>As detailed previously, the Vincentia Master Plan Archaeological Test Excavation Report found that archaeological investigation is not warranted.</p> <p>The Jerrinja community were consulted throughout the excavation process and they supported the findings particularly that active preservation of the excavation sites was not warranted.</p>
<p>(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,</p>	<p>Not relevant</p>
<p>(p) only in cases in which a development application in relation to proposed development is determined:</p> <p>(i) the cumulative impacts of the proposed development on the environment, and</p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</p>	<p>(i) All relevant facets of the environment have been comprehensively examined in this EA as part of the modification of the Project Application in light of previous investigations and reporting.</p>
<p>Note: Clause 92 of the <i>Environmental Planning and Assessment Regulation 2000</i> requires the <i>Government Coastal Policy</i> (as defined in that clause) to be taken into consideration by a consent authority when determining development applications in the local government areas identified in that clause or on land to which the <i>Government Coastal Policy</i> applies.</p>	

14 Public access

A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.

Clause 14 of the policy requires assessment of an application to ensure it does not impede or diminish the right of access of the public to or along the coast or foreshore. The site is approximately 2km from the coast and therefore this clause does not have relevance.

15 Effluent disposal

The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.

Clause 15 requires special consideration of development that proposes the disposal of effluent by means of a non-reticulated system. The proposed development will be connected to the reticulated sewerage system as previously documented in the Cardno Forbes Rigby report submitted with the Project Application.

16 Stormwater

The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Clause 16 of the policy requires that no untreated stormwater is discharged from the development into the sea, coastal creek or similar body of water. A treatment train of WSUD measures is integrated in to the design of the District Centre to ensure that pollutant loads of stormwater discharging from the site are equivalent to or below existing levels. This has been confirmed in the Supplementary WSUD Stormwater Study prepared by Cardno Forbes Rigby which has modelled pollutant loads to achieve water quality objectives consistent with the WSUD Study prepared by Cardno Forbes Rigby in 2006, 2008 and 2010 for the Concept Plan, Project Applications, and Modification 2. It must be acknowledged that Modification 5 does not seek to alter the outcomes approved in Modifications 2, 3 and 4. Therefore, this matter can be satisfied in the same manner as that previously assessed as satisfactory.

5.3.5 Jervis Bay Regional Environmental Plan 1996

The Jervis Bay Regional Environmental Plan 1996 identifies aims that development should address when assessing development applications under Clause 4.

The aims of this plan are:

- (a) to protect the natural and cultural values of Jervis Bay, and*
- (b) to allow proposals that contribute to the natural and cultural values of the area.*

The proposed modifications are not considered to impact on the compliance of the existing approvals with the aims of the plans as the natural and cultural values of the area will not be impacted by the modifications proposed. As the general development footprint is to be maintained and types of development within the DC are to be retained it is not considered that there are likely to be any additional impacts on landscape quality, cultural heritage or habitat corridors which are also considered in the REP.

5.3.6 South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) was adopted as NSW State Government Policy in January 2007 and the Department of Planning webpage notes:

By 2031, the region's population is expected to reach 226,000 - an increase of 36%. This strategy will guide sustainable growth, providing places to live and work while protecting valuable agricultural and natural assets.

The NSW Government's 25-year land use strategy:

- protects sensitive coastal areas, productive agricultural land and natural resources including water resources and threatened flora and fauna*
- caters for 60,000 more people, 45,600 new dwellings and a variety of house styles to suit smaller households and an aging community*
- locates new development in the right places by promoting growth of existing centres rather than any new towns or villages, and reviewing urban lands in sensitive locations*
- supplies well-located employment lands to support an extra 25,800 jobs, particularly in the tourism and aged care sectors*
- protects the unique character of the South Coast - its rural and coastal towns and villages and pristine natural landscapes.*

The strategy will guide local planning in the three local government areas of Shoalhaven, Eurobodalla and Bega Valley and will be reviewed every five years.

The vision for the plan is a *sustainable, attractive and livable future for the South Coast*. The proposed modifications are considered to achieve the vision through the modified staging to allow increased flexibility in construction timing and to ensure the development is suitable for the intended occupiers through the redistribution of floor areas.

In terms of assessing the economic impact of Modification 3 Pitney Bowes has prepared a supplementary EIA report which can be found at **Appendix I**.

As such, the proposed amendments to the Concept Plan and Project Application are considered to be consistent with the SCRS and its intent for the NSW South Coast.

5.4 SHOALHAVEN LEP

Shoalhaven Local Environmental Plan 1985 identifies the local planning controls applicable to the Shoalhaven LGA.

The inconsistencies between the Shoalhaven LEP and both the Project Application and Concept Plan were the subject of the rezoning process via the Major Projects SEPP. The site's inclusion in Schedule 3 means that the VDC relates to a B2 zone – Local Centre under the Standard Instrument (Local Environmental Plans) Order 2006. The proposal was rezoned consistent with the State Significant Site Study and the amendment gazette within the site's inclusion in Schedule 3 of the Major Development SEPP.

5.5 OTHER PLANS

This Environmental Assessment report has considered the State strategic planning documents, to form an understanding of where the subject land fits with the current State strategic planning framework and determine whether the proposed zoning change is consistent with this framework. As such, the State Plan has been considered as follows.

5.5.1 NSW COASTAL POLICY

The 1997 NSW Coastal Policy sets the context in providing for population growth and economic development at the same time protecting the natural, cultural, spiritual and heritage values of the coastal environment. To achieve this, the Policy has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD).

The Policy addresses a number of key coastal themes including:

- population growth in terms of physical locations and absolute limits
- coastal water quality issues, especially in estuaries
- disturbance of acid sulfate soils
- establishing an adequate, comprehensive and representative system of reserves
- better integration of the range of government agencies and community organisations involved in coastal planning and management
- indigenous and European cultural heritage, and
- integration of the principles of ESD into coastal zone management and decision making.

The management of the coastal zone is the responsibility of a range of government agencies, local councils and the community. The Policy provides a framework for the balanced and coordinated management of the coast's unique physical, ecological, cultural and economic attributes.

The proposed amendments to the approval as sought are consistent with the Concept Plan, Project Application and Modification 2 previously approved which were assessed as

addressing all of the key requirements of the Coastal Policy as part of the detailed Environmental Assessment.

5.5.2 NSW COASTAL DESIGN GUIDELINES

The diverse beauty of the NSW coast is at risk from developments which pay little attention to urban design principles. Application of the principles set out in the '*Coastal Design Guidelines for NSW*' (Coastal Council of NSW 2003) ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW.

The guidelines provide a world-standard approach for how urban design can be best used in a coastal context.

NSW's Urban Design Advisory Service and Tourism NSW provide direction for the sustainable future of the NSW coast and provide a best practice framework for ensuring that urban design reflects the character of different places. Diversity in design is encouraged and the Guidelines distinguish between different types of settlements so that no single design solution is preferred. The hierarchy detailed in the Guidelines notes that there are 7 different types of settlements being:

- Coastal cities
- Coastal towns
- Coastal villages
- Coastal hamlets
- Inland coastal centres – cities, towns and villages
- New coastal neighbourhoods – hamlets and villages
- Isolated coastal dwellings.

The VCV & VDC falls within the Coastal Villages category. The Guidelines note that coastal villages are small settlements with a population of up to 3,000 people. The Guidelines also describe coastal villages in the following way:

In coastal villages the natural environment dominates in terms of views, environmental systems and vegetation types. Ecological systems surrounding and penetrating the settlement are intact. Informal boundaries exist between urban and natural areas within the village. Extensive and well established landscaping is a feature of both public and private land.

Villages are differentiated from other settlement types by having a small vibrant centre set within a distinctive and intact natural environment.

The Guidelines contain a number of design based principles that relate to defining the footprint and boundary, connecting open spaces, protecting the natural edges, reinforcing the street pattern and designing buildings appropriate for the coastal context. These broad principles underpinned the design process for the overall VCV & DC site undertaken in conjunction with the preparation of the approved Concept Plan documentation. The

principles also formed the basis of the detailed design for the District Centre undertaken throughout the Design Excellence Competition. The general design of the District Centre approved in the Concept Plan and the detailed design selected as a result of the Design Excellence Competition established the key foundations for the District Centre. The detailed design documented in the project plan application is consistent with the design initially approved in the Concept Plan and later modified and refined as part of the Design Excellence Competition and as such it too is considered to be based upon the principles of the Guidelines.

The Project Application and Modifications 2, 3 and 4 were previously assessed as consistent with the guidelines and Scott Carver have implemented a design which is consistent with the previous Concept Plan approval, Project Application and Modifications 2, 3 and 4 approvals for the VDC. As such, it is considered that the modification as proposed is also consistent with the guidelines.

5.5.3 NSW DRAFT CENTRES POLICY

At the time of writing, the Department of Planning had released the *Draft Centres Policy* for comment and consultation. The Policy when finalised is intended to provide a planning framework for the development of new and existing retail and commercial centres in NSW.

The draft policy is based on six principles:

- *Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.*
- *The planning system should be flexible enough to enable centres to grow, and new centres to form.*
- *The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.*
- *The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.*
- *The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.*
- *Retail and commercial development should be well designed to ensure they contribute to the amenity, accessibility, urban context and sustainability of centres.*

A supplementary report titled “Proposed Project Staging – Shoalhaven Marketplace, Vincentia” has been completed by MacroPlan Dimasi (formerly known as Pitney Bowes) which can be found at **Appendix C** which demonstrates that Modification 5 is consistent with the approach outlined in the *Draft Centres Policy*.

5.5.4 DRAFT STATE ENVIRONMENTAL POLICY (COMPETITION) 2010

The Draft Competition State Environmental Planning Policy was introduced for consultation by the NSW State Government to seek to remove artificial barriers on competition between retail businesses in the planning system by the following:

- *The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;*
- *The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and*
- *Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.*

The amended staging of the approved Project Application is considered to be consistent with the Draft SEPP.

5.5.5 Shoalhaven Development Control Plan No 18 – Car Parking Guidelines

The modification is consistent with the car parking requirements of DCP no. 18 and this is discussed in detail in the CBHK report at **Appendix D**, based on the GLA shown in the drawings at **Appendix A**.

5.5.6 Shoalhaven Development Control Plan No 78 – On-Site Sewerage Management

This DCP applies to all land in the City of Shoalhaven that is not connected to a reticulated public sewerage system. At present, the site is not connected to a reticulated public sewerage system; however it is proposed that the development will be serviced by a reticulated sewerage system.

The modification as proposed does not seek to alter the outcomes of the original Concept Plan and Project Application requirements. The existing sewerage system in the Vincentia area forms part of the Northern Shoalhaven Reclaimed Water Management Scheme (REMS). As part of the original Project Application for the VDC a detailed Utility Services and Infrastructure Report was prepared by Cardno Forbes Rigby which advised the VDC will be connected to a reticulated sewerage system which is due to be provided with the soon to be constructed pump station at the northern end of Moona Creek Road.

This modification does not seek to alter these outcomes.

5.5.7 Shoalhaven Development Control Plan No 93 Amendment No 1 – Controls for Waste Minimisation and Management

DCP 93 requires the submission of a Waste Minimisation Management Plan (WMMP) with a Construction Certificate for developments that require a Construction Certificate Application. The WMMP will detail the waste minimisation measures to be employed during the construction phase of the development.

The modification as proposed does not seek to alter the outcomes of the original Concept Plan, Project Application and Modifications 2, 3 and 4 requirements.

5.5.8 Jervis Bay Settlement Strategy

The Jervis Bay Settlement Strategy 2003 contains a vision for the Jervis Bay Region and a number of principles for managing growth. Vincentia Coastal Village site has been identified in the Jervis Bay Settlement Strategy 2003 as potential urban expansion opportunity.

It is considered that the approved concept plan and project approval for Stage 1 has progressed the settlement strategy opportunity for this site. The proposed modification aims to further progress the implementation of the approvals by reducing the number of stages involved in the construction process and redistributing the floor space to cater for the intended occupants of the VDC.

6. ENVIRONMENTAL ASSESSMENT

This Environmental Assessment Report has also aimed to address the Director-General's Environmental Assessment Requirements as issued in relation to Modification 2 which are summarised below:

Table 6: DGEARs Responses

Requirement	Reference in EA
Key Issues	
The EA must address the following key issues:	
DGRs for Project Application (06_0205 Mod 2)	
1.1. Address how each component of the original DGRs has been addressed for the following issues: <ul style="list-style-type: none"> • urban design • visual • sustainability • public safety • streetscape and public domain • infrastructure and stormwater 	Section 6.
Concept Plan	
2.1. Demonstrate full compliance with all aspects of the approved concept plan (06_0060).	Section 3
Traffic Impacts	
3.1. Provide an addendum to the Traffic Report (prepared for the Project Application by Masson Wilson Twiney, January 2008) to take into account any changes to construction and operational traffic as a result of the modified project.	Appendix K
Urban Design	
4.1. Demonstrate that the proposed modified siting of buildings does not have an unacceptable level of impact on privacy, views of adjoining neighbours and overshadowing of surrounding areas. 4.2. Provide details of the provision of publicly accessible open space and recreational areas as modified. 4.3. Provide details of Gross Floor Area and Net Lettable Area of all components of the modified project. 4.4. Demonstrate how the proposed modified design complies with	Section 3, Section 6 and Appendix C

Requirement	Reference in EA
the design principles (as modified by the recommendations of the Stockland Design Competition Jury Panel Report (undated)) of the winning design (prepared by Rice Daubney, August 2007) of the Design Excellence Competition.	
Visual Impacts	
5.1. Assess the visual impact of the proposed modification.	Section 6
Social Impacts	
6.1 Address the social context of the development in terms of community services and facilities.	Section 6 and Appendix J
6.2 Provision of community facilities within stage 1 is preferable. Justify the delay of the provision of the library facilities.	
Streetscape and Public Domain	
7.1. Discuss any proposed modifications to the landscaping.	Section 6 and Appendix D
7.2. Identify the long term maintenance and management arrangements for the streetscape and public domain.	
Noise and Light Impacts	
8.1 Demonstrate that the proposed project as modified will not create unacceptable impacts from noise (including traffic and plant noise) and light spill (including impacts on flora and fauna) and how this will be implemented and maintained during construction and operation.	Section 6 and Appendix H and I
Water Quality and Waste Management	
9.1 Update the Soil and Water Management Plan (prepared for the Project Application by Cardno Forbes Rigby, January 2008) to ensure the modified development safeguards the aquatic environment across the entire development footprint and mitigates impacts on water quality (including surface and groundwater).	Section 6 and Appendix F.
9.2 Update the Waste Management Plan prepared for the Project Application (Section 6.9) to reflect the modified proposal.	
Stormwater and Flooding Management	
10.1 Update the details (including modelling), if necessary, on the drainage and stormwater management measures to be incorporated on site, including (but not limited to) on site stormwater detention and water sensitive urban design measures. Demonstrate that the amended WSUD measures	Section 6 and Appendix F.

Requirement	Reference in EA
10.2 are consistent with the WSUD measures outlined in the approved Concept Plan. Assess the cumulative impacts of the modified development in terms of flooding with consideration of climate change.	
Adjoining Land	
11.1 Demonstrate that the modified development will not have any adverse impacts on adjoining land (including but not limited to; water quality and quantity, erosion and sedimentation, fire management, fencing and access).	Section 6

6.1 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 which can be found at **Appendix B**.

6.2 TRAFFIC IMPACTS

CBHK have prepared a revised traffic and parking assessment in relation to Stage 1 of the proposed Modification (**Appendix D**) to take into account the proposed changes to the car parking configuration and traffic network management which has concluded:

6.3 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, 3 and 4 Project and the design competition. This is embodied within the Design Statement which can be found at **Appendix B**, and can be summarised by the following:

1. The proposed modified siting of 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 essentially the same footprint of buildings and associated impermeable areas as that shown in the approved Modifications 2, 3 and 4 layouts.
4. The modified design is considered to comply with the design principles (as modified by the recommendations of the Stockland Design Competition Jury Panel Report winning design (prepared by Rice Daubney, August 2007) of the Design Excellence Competition.

6.4 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 proposed seek a similar outcome as that approved in Modifications 2, 3 and 4.

6.5 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 Modification 5, it is considered that the changes do not alter the matters which were previously assessed as satisfactory and subject to conditions in Modifications 2, 3 and 4.

6.6 STREETScape AND PUBLIC DOMAIN

The modified project can demonstrate that the design principles included in Modifications 2, 3 and 4 are 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.

6.7 NOISE AND LIGHT IMPACTS

No new noise and lighting matters result in Modification 5 when compared to those which have already been assessed in Modifications 2, 3 and 4.

6.8 WATER QUALITY AND WASTE MANAGEMENT

Modification 5 will implement the same water quality and waste management mechanisms as that which were approved in Modifications 2, 3 and 4.

6.9 ADJOINING LAND

Potential impacts on adjoining land were investigated with the original Project Application and Modification 2. The changes proposed in Modification 5 do not alter the matters which were assessed as acceptable in the previous applications.

6.10 OTHER ISSUES / CONSIDERATIONS

6.10.1 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.

6.10.2 Economic Impact

A supplementary report dated November 2012 has been prepared by MacroPlan Dimasi which can be found at **Appendix C**, which concludes the proposed changes are acceptable.

As such, the proposed revised staging and amendments will not result in adverse economic impacts.

6.10.3 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.

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.

6.10.4 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.

6.10.5 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.

6.10.6 Landscape Strategy

Landscape works as part of this modified Project Application for the VDC will be consistent with the rationale and principles as set out in the Landscape Masterplan report

prepared by Clouston Associates and Site Image as part of Modifications 2, 3 and 4 approvals.

6.10.7 Accessibility

An access report was prepared to assess the design changes in Modification 2, and while Modification 5 does propose a change to the levels, this is so as the access which was acceptable in Modifications 2, 3 and 4 can be maintained in Modification 5.

6.10.8 Crime Prevention

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

6.10.9 ESD

The ESD principles approved in Modifications 2, 3 and 4 are proposed to be implemented in Modification 5 as demonstrated in the Statement of Commitments.

7. AMENDED STATEMENT OF COMMITMENTS

The proponent seeks approval for the changes shown in the drawings at **Appendix A** and to this end also requests Conditions in the Instrument of Approval be modified to allow for the staging of the development, the staging of road works and the drawing information as submitted. In this regard, the proponent wishes to liaise with the Council regarding the revised conditions.

The proponent has also prepared an Amended Statement of Commitments to address the proposed revised staging in this modification which can be found at **Appendix E**.

8. CONCLUSION AND JUSTIFICATION

The subject Modification 5 application to the Project Approval is submitted to seek approval under the provisions of Section 75W of the EP&A Act to modify Modification 4 of the approved Project Application based on the following:

1. If approved, the modification will not radically alter the development from its approved form. The footprint of the development is considered to be consistent with the view formed by the Department in the consideration of Modifications 2, 3 and 4. Refer to **Appendix A for proposed layout drawing**;
2. The nature of the changes are not dissimilar to the recently approved Modification 4 and could in fact be considered a down-sizing to enable a neighbourhood centre initially and then grow into a sub-regional centre over time as the population increases; and
3. The nature of the proposed changes relate also to adjustments in the staging so as to “tune” the development outcome to meet market expectations. More specifically, the nature of the changes sought relate principally to condition 1.1 of the Instrument of Approval and the conditions regarding road timing.

It is also noted that the previous design and thus the proposed modified design meets the criteria specified in former Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and triggered by Clause 6.

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

Based on the outcomes of these further investigations and having regard to the previous investigations for the proposed development in the original Concept Plan and Project Application and Modifications 2, 3 and 4 prepared and submitted by the current proponent, it is considered that the modification can be supported. We support the modification application and recommend its approval.

APPENDIX A

Architectural Drawings

Environmental Assessment
Vincentia District Centre - Modification 5

APPENDIX B

Design Statement

Environmental Assessment
Vincentia District Centre - Modification 5

APPENDIX C

Proposed Project Staging Report

Environmental Assessment
Vincentia District Centre - Modification 5

APPENDIX D

Traffic Report by CBHK

Environmental Assessment
Vincentia District Centre - Modification 5

APPENDIX E

Amended Statement of Commitments

Environmental Assessment
Vincentia District Centre - Modification 5