

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

MAJOR PROJECT APPLICATION MP 06_0205

Vincentia District Centre
Modification No 5

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

PROPOSAL: Proposed MP06_0205 VDC Stage 1 - Modification No 5 being a modification to the VDC Stage 1 approvals issued in Modifications 2, 3, and 4.
Delivery of the VDC in two stages with an amended floor layout design and Statement of Commitments and proposals for a fuel and fast food outlet in Stage 1.

APPLICANT: Fabcot Pty Ltd

OWNER: Vincentia Nominees Pty Ltd

DEPARTMENT OF PLANNING REFERENCE: MP06_0205 (Mod 2)

COUNCIL REFERENCE: 3A08/1006

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1.0 Summary

Modification No 5 (MOD 5) has been considered and while Council strongly supports the progress of the new District centre, Council does not support a number of aspects of the current the proposal. In particular, the design changes from the original design approach and competition criteria, orientation of the building away from main street access off Moona Creek Road and the proposal to delete the approved road work to the road network round the development raise significant issues is unacceptable. Council's concerns and recommended solutions are contained in the submission.

Council is aware a shopping centre at this location has been anticipated for nearly a decade and there is widespread community support to realise the development and provide additional retail options in the Bay and Basin area.

However, MOD 5 proposes considerable changes and a number of aspects of the current proposal are not considered best practice to deliver a retail shopping centre "at any cost" to the community. The development costs associated with the current approval (up to MOD 4) and the costs that are the expected responsibility of a developer are proposed to be cost-shifted to Council and therefore the community. This approach is unacceptable and arises because the traffic assessments have not adequately addressed the original Director General's Requirements (DGRs) and taken account of the previous accepted traffic reports and available information.

In summary, Council considers the traffic reports submitted with MOD 5 to be inadequate for the purpose of a proper assessment. Council would urge the Department to have independent peer reviews undertaken of both the urban design approach and the potential traffic impacts.

Council welcomes further discussions with the applicant and the Department of Planning and Infrastructure (DPI) to encourage a more acceptable outcome.

2.0 Background

The Concept approval for the Vincentia Coastal Village (VCV- residential) and Vincentia District Centre (VDC - commercial) was issued by the DPI on 25 January 2007. The Project application for the VDC Stage 1 was issued 7 January 2009. The maximum GFA for the development (all stages) was limited to 32,000m² GFA.

There have been a number of subsequent modification applications with the current approvals being for the VCV – Modification No 13 (MOD 13) and for the VDC – Modification No 4 (MOD 4).

The Concept approval for VDC was based on a design competition that met the objectives and design principles for this coastal locality.

The ownership of the land and responsibilities for the approval conditions were transferred from Stockland Pty Ltd to Fabcot Pty Ltd, a Woolworth Limited (Woolworth) company. Council is unaware of any contractual arrangements between the two parties relating to responsibilities for complying with specific conditions around the development site, including road works and environmental protection.

Council has held discussions with Fabcot and Woolworths concerning each Modification application and assessment.

2.1 History of VDC determinations

Project Approval – determined 7 Jan 2009 - Development in 3 stages with Stage 1 (14,000m² GFA) with access from Moona Creek Road (MCR), Stage 2 (12,500m² GFA) and Stage 3 (5500m² GFA). For Stage 2 and 3, access was also from The Wool Road (TWR). The Statement of Commitments for roads and other infrastructure stated in terms of Stage 1 and progress to Stages 2 and 3.

MOD 1 – determined 10 April 2011 - provided amended arrangements for the responsibilities to develop the underpass on Naval College Road (NCR).

MOD 2 – determined 15 March 2011 – followed the purchase by Woolworth from Stockland – amended the staging to develop Stage 1 with 22000m² GFL and access from both MCR and TWR with Stage 2 approx 10,000m² GFA.

MOD 3 – determined 8 August 2011 - proposed the development in 3 stages, being Stage 1A (20,734m² GFA), Stage 1B (1197m² GFA) and Stage 2 (10,069m² GFA). The application proposed enclosure of the pedestrian malls within the retail areas.

Order – determined 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.

MOD 4 – determined 30 March 2012 - included a number of amendments to the design to improve operations of the VDC and a reduction in width of the internal pedestrian malls.

2.2 Proposed Modification No 5 (MOD 5)

MOD 5 – application exhibited 27 Feb to 29 March 2013 - Including amendments to provide the development in 2 stages; with Stage 1 having access from MCR only and Stage 2 having access also from TWR. The site layout also proposes a fuel service station and a fast food restaurant pad near the corner of MCR and NCR with access from the VDC car park.

The Environmental Assessment Report (EAR), Section 4, does not clearly identify the GFA of each stage and the DPI is requested to seek clarification of the GFA proposed to be delivered.

The fuel and fast food outlets have vehicle access through the VDC car park and to assess the traffic flow and internal queuing arrangements for each outlet, details at this time should be provided to enable assessment of the total proposal. Comments are included in the Council's submission, below under Traffic and Urban Design.

There appear to be some variance in the calculations of GFA between tables for Stage 1 and the Masterplan described on plan DA1900.

Woolworths indicate that the timeframe between delivery of Stage 1 and Stage 2 will be dependent upon the market and investment plans of the ownership. However, Woolworths have also indicated the timeframe may be at least 15-20 years?

3.0 Council submission to proposed MOD 5.

3.1 Introduction

The proposed amendment raises a number of concerns including urban design matters, the implications for Council and the community if appropriate infrastructure is not incorporated into an approval through Statement of Commitments (SoC) and/or conditions of approval, and additional matters that are addressed in the submission.

The Scott Carver Design Statement of 31 Jan 2013, (Design Change schedule – March 2013) has been submitted to justify that MOD 5 is essentially similar in achieving the outcomes equivalent to the original design competition approach. Council seriously questions this conclusion and requests that the Department seek an independent urban design peer review on this approach. The current proposal affords a “Greenfield” opportunity to create an attractive, contemporary District Centre and the community anticipates a high quality design outcome.

3.2 Urban Design issues

Council is disappointed that the outcomes from the original design competition and concepts have progressively been amended and with the MOD 5 fundamental principles have been compromised; specifically the following key issues need to be addressed:

- (a) The location of the two pad sites on NCR fragments the proposed town centre and creates the potential for further “ribbon development” along NCR. Also, note potential traffic issues associated with this arrangement. Reconsideration should be given to whether these uses can form part of a main street or be contained within the retail core area.
- (b) The revised town centre proposal walks away from the concept of a town centre main street. The centre effectively turns its back onto MCR. This approach significantly diminishes the sense of “place” associated with such a centre as well as reducing the perception of “arrival” at a town centre destination and what should form the heart of the adjacent community.
- (c) The location of the Stage 1 loading dock at a prominent corner (focal point in street hierarchy) results in conflict between delivery vehicles and unsafe pedestrian movements from the residential area at both Stage 1 and Stage 2.
- (d) The roundabout proposed for MCR at the intersection with Halloran Street has not previously been designed for and is unsuitable as a 4-leg roundabout. The proposed service traffic movement requires land acquisition

from Lot 335 DP 1154465 (Bayswood Retirement Village) with the minimum requirement to be identified following acceptance and approval by Council of the MCR road design.

- (e) The proposed bus bay and taxi stop area on MCR will require patrons to walk a considerable distance to enter the shopping centre from the car park. A redesigned entry (addressing MCR) providing access to the eastern elevation at Stage 1 would reduce the travel distances.
- (f) At Stage 2, part of Arbour Way remains as the access for delivery vehicles to the loading dock, part becomes a pedestrian outdoor area with street furniture and part is enclosed by the Stage 2 retail mall. At Stage 2 the concept to retain a visual corridor along Arbour Walk anticipated from the design competition is removed?
- (g) The location of the Stage 1 loading dock results in the Heggies Noise Report of 1 October 2008 submitted in MOD 2 being redundant however the MOD 5 application relies on that report. Council supports the current approval (SoC 46 – limited service hours at the loading dock) with the added amendment that the hours restrictions apply to “each stage” and not only “Stage 1”, in the absence of there being any additional noise report.

The Colston Budd Hunt & Kafes Pty Ltd (CBHK) Stage 1 report includes vehicle swept paths for the Stage 1 loading dock. However, the CBHK Stage 2 report does not include swept paths for the two loading docks for the retail and bulky goods buildings and this will be required to validate the practical use of the loading docks.

In earlier discussions with Woolworths as part of the “consultation phase”, Council expressed concern at the proposed design for fencing structures on the MCR frontage in Stage 1. An amended proposal titled “Scott Carver –Entry Statement - 8 March 2013” has been submitted that shows an improved design including a feature structure adjacent to the MCR/Halloran Street roundabout.

Council requests the DPI have an independent urban design peer review undertaken which considers appropriate redesign to address these matters

3.3 Accessibility

The SoC 47 in MOD 5 refers to a review of the design of Stage 1 based on the Morris-Goding (MG) accessibility report dated 21 June 2010. The MOD 5 design of the VDV and stages are different to the previous approvals.

Council considers that the SoC timing and requirements require an updated Accessibility Report taking account of the new design and changes to interactions with traffic and pedestrian safety within and around the VDC. The report should be updated before issue of a Construction Certificate for each stage and recommendations implemented before issue of an Occupation Certificate at each stage.

3.4 The library space

The applications to date have included a space that could be used as a library by Council. In MOD 2 the library space was shown in Stage 2 and a number of meetings with Fabcot and Woolworths on this matter were held regarding costs, floor area and tenancy limitations. The MOD 5 floor area shown is 693m² and being attached to the bulky goods building of Stage 2 rather than being connected with the retail centre. The Council adopted a Library Report on 21 December 2009 for library facilities in the Bay & Basin area that recommends a floor area of approx. 1400 m².

Council resolved its position on 30 August 2010:

- b) *In respect of the delivery of a library in the Vincentia District Centre Stage 2:*
 - i) *Council advise the Department of Planning that there is no objection to the delivery of a library space in Stage 2 with Council continuing negotiations with Fabcot Pty Ltd about favourable leasing or tenure arrangements;*
 - ii) *Council review the Library Report and investigate alternate locations for a library to serve the Bay and Basin area should the VDC library not proceed within an acceptable timeframe or if the proposed leasing or tenure terms within the VDC are unacceptable.*

There is no change to Council's position in respect of the MOD 5 application. The suitability of the position of the library and floor area proposed in MOD 5 will remain a matter for future discussions.

In discussions at MOD 2, the following minimum requirements for a library use were identified as follows, should a library proceed within the VDC:

- (i) An all weather cover between the library space and the shopping centre (it is noted that MOD 5 layout will not facilitate this desirable feature).
- (ii) Car spaces for people with disabilities adjacent to the library entry.
- (iii) Safe movement with pathways and lighting for staff employed after hours.
- (iv) Access for a mobile library vehicle adjacent to the library to facilitate heavy deliveries of books (the current vehicle is an 8.8m rigid vehicle).
- (v) The shape of the library space being agreed to provide efficiency is staffing and surveillance within the space.
- (vi) Staff amenities within the library space.

3.5 Landscaping

It is noted that the overall site was cleared in late 2011 but other than the Stage 1 area, the balance is not being developed until Stage 2 and is shown as "temporary vegetated landscape". Section 4.2.5 in the EAR only refers to the previous landscaping proposals for the completed developments.

Council requests DPI require submission of the landscape proposals for the "temporary vegetated landscape" for consideration and approval given the expected timeframes between each stage and the high level of community

concern over the appearance of this cleared site. The approved landscape plan should be implemented in a timely manner.

3.6 Traffic Impacts

3.6.1 Summary

The conditions of approval and SoCs since the original Concept approval in 2007 have been based on assessments for the residential and commercial elements of the whole development. The original SoCs for road upgrading was adopted on the basis of the accepted reports and that instead of imposing a Contribution Plan for recovery, it was agreed by the parties at the time (Stockland, Council and the DPI) that the expected contribution would not be levied and the applicant was required to do all the work for the full perimeter of the development, in lieu of payment of contributions.

Council is concerned that the MOD 5 traffic reports for Stage 1 and 2 by Colston Budd Hunt and Kaffes (CBHK) do not address the original DGRs that specified detailed requirements and also the previously accepted Traffic Reports of Masson Wilson and Twiney (MWT) from the Concept, MOD 1 and MOD 2 assessments. The removal of the approved SoCs from the previous approvals relating to road infrastructure does not adequately address the potential traffic impacts associated with a development of this scale.

The Council is concerned that SoC works on NCR have been removed and the impacts for the community; traffic and pedestrian safety as a consequence are unacceptable.

The Council is similarly concerned that SoC works on TWR have been removed and the impacts for the community will lead to unsafe traffic and pedestrian movements.. The approved requirements affecting proposed Access D and E, the arrangements relating to the existing and proposed access to the Council's Bay and Basin Leisure Centre (BBLC) should be considered as a holistic solution and each matter not considered in isolation.

The MOD 5 proposal does not address pedestrian safety and links between the centre with the residential area, the regional pathway on the southern side of TWR, the existing schools east of the centre and the proposed school on the west side of NCR that has an active development consent. It is noted that the VCV - MOD 13 approval for a mid-block signalised crossing for pedestrian safety across NCR and the VDC has not been acknowledged in the EAR for MOD 5.

As a result of the Mod 2 approval and SoCs, Council and Fabcot's consulting engineers have advanced the preliminary road designs for MCR, NCR and TWR to a near final stage before detailed design plans being lodged with Council for approval. The Subsequent MOD 3 and 4 did not relate to changes to traffic studies and did not impact the road design progress undertaken up to and including MOD 2.

Council's submission below includes each road in the network.

3.6.2 Moona Creek Road

MOD 5 amends the usage and design requirements of the roundabout at Halloran Road due to the 4-leg proposal and heavy vehicle movements. The type of roundabout design criteria and the required road reserve dimensions need review. The vehicle usage and traffic patterns at the western access to the car park in Stage 1 require additional information and assessment due to the traffic that will use the proposed fuel and fast food outlets. Appendix 1 includes the following assessment by Council's traffic Unit:

“Approval should not be given to the two northern pad sites without including an assessment and design layout for consideration. There are concerns regarding internal traffic and queuing conflicts. In the absence of a detailed assessment, or design layout, it is Traffic Units view that traffic could access and egress from both of the pad sites from internally within the development site, however egress from both pad sites could be permitted direct to Naval College Road (restricted to left out traffic access because of the median required in Naval College Road) to mitigate internal impacts and additional impacts in Moona Creek Road. Location and layout of the pad sites, and egress design to Naval College Road subject to review of overall design layout (all external works required), in particular having due regard to the proximity to the proposed mid-block traffic signals on Naval College Road (MOD 13 approval . Safe pedestrian access must be provided from both Naval College Road and from internally within the development. The MOD 5 has provided no detail to assist in assessing the traffic implications of the pad sites which could affect the final positioning of the mid block traffic signals. Accordingly a design layout showing the development layouts and all external road works in accordance with the original statement of commitments is required so these impacts can be properly assessed.”

The location for the bus bay and taxi standing on MCR is now disconnected from the entry to the retail centre at Stage 1 and Stage 2. The pathways or activation for pedestrians from these facilities are required including a wet weather structure and trolley storage bay at the bus stop in MCR. There may be opportunities to reconfigure the internal car park to provide access for taxis and the taxi-call system proposed in SoC 42. The timing for SoC 42 should be amended to read “before issue of an Occupation Certificate for Stage 1.”

It is noted that proposed SoC 36 applies to construction in MCR and is subject to acceptance and approval by Council of the final design plans based on earlier negotiations. The SoC 36 timing should be amended to read “for Stage 1 of the District Centre”.

3.6.3 Naval College Road

NCR is a major road that will lead traffic to the VDC for the life of the development. The growth in traffic following the occupation of Stage 1 and the fuel and fast food pads and again following Stage 2 occupation will be required to achieve both traffic and pedestrian safety within the road system.

Council is concerned that failure to address these matters and allocate appropriate SoCs and conditions of approval will present an unreasonable burden upon the community and Council to address traffic matters at a later time.

3.6.3.1 The MOD 3 approval includes SoC 27a, relating to a roundabout at the intersection of NCR and MCR (Access C) while the MOD 5 SoCs does not include the roundabout. However, the CBHK traffic reports is based on provision of a roundabout (refer to page 18, 19 and Figures 2 and 3).

3.6.3.2 The MOD 3 approval includes SoC 27b, relating to the NCR design construction standard between Access C (at MCR) and the existing Access B at Bayswood Avenue while the MOD 5 SoC does not include this SoC and no justification is provided for the deletion of the commitment.

Council requests reinstatement of SoC 27a from MOD 3 as it is consistent with the applicant's CBHK report; and SoC 27b from MOD 3 as the intersection Access C, once constructed, requires the connecting road upgrade in SoC 27b up to existing Access B to ensure an acceptable alignment and formation for traffic safety.

3.6.3.3 The existing roundabout at the NCR/TWR intersection provides for single lane movement. The CBHK Stage 2 report requires this roundabout be upgraded to two circulation lanes on all legs except the southern leg (Jervis bay Road).

It is considered that the requirements for this roundabout in the CBHK Report should be included as a Stage 2 SoC. This is consistent with SoC 51 of the Concept approval in 2007.

3.6.3.4 The NCR between Access C and the existing roundabout at NCR/TWR has been included as SoC 57 in the Concept approval in 2007. This was not amended in subsequent modification approvals and the existing alignment and formation with two lanes requires upgrade work consistent with linking the controlled intersection at Access C and the roundabout at NCR/TWR.

The responsibility of road upgrades as a result of the development is considered a matter for the applicant and should be included as SoCs under MOD 5. In addition the VCV - MOD 13 approval that requires a mid-block signalised crossing for pedestrian safety should be incorporated into the MOD 5 assessment and conditions imposed and road design.

3.6.4 The Wool Road

TWR is a major road that with lead traffic to the VDC for the life of the development from both the eastern Vincentia area and from the western bay and Basin area and the further retail catchment for the development. The growth in traffic following the occupation of Stage 1 and the fuel and fast food pads and again following Stage 2 occupation will be required to achieve both traffic and pedestrian safety within the road system.

The Stage 2 development proposes to provide Access D with a left-in, left-out configuration. There are no other identified works in TWR, including the existing and proposed (Access E) road access to the Council's Bay & Basin Leisure Centre (BBLC).

3.6.4.1 Access D (Stage 2)

The Stage 2 development proposes to provide Access D with a left-in, left-out configuration. This raises two concerns;

- (i) To provide a left-in turn from TWR will require a slow down lane between the existing TWR/NCR roundabout and Access D and the design is required to take account of the relative short distance between the two points. MOD 5 does not include a SoC to achieve an appropriate upgrade in this section of TWR.
- (ii) A left-out turn to TWR will result on traffic using Access D that does not intend to travel east to their final destination from seeking a turn at an eastern intersection to enable travel westward away from the VDC. The design of the Stage 2 bulky goods loading dock will direct trucks to enter from TWR and if trucks then exit to TWR there is likelihood that trucks will enter the Vincentia town area to seek turnaround opportunities with additional impacts.

The draft TWR road designs proposed a signalised controlled access D, central medians, a slow down lane for left-in turns and provisions for pedestrian safety. Council considers the MOD 5 proposal at Access D to be less than best practice and requests the DPI consider the previous SoCs to achieve a more acceptable outcome.

3.6.4.2 Existing access to BBLC

The existing road access to the BBLC is via a public Council road. The Concept SoC 50 states:

“50 - Stockland will remove the existing pavement from the current access to the Bay and basin Leisure centre and rehabilitate”.

Council understands from previous discussions with Fabcot that there was a belief that Stockland had ownership of the existing access road; clearly this is not the case. Before the SoC can be satisfied there is a process for Council to act under the *Roads Act 1993* for formal closure, with the timing after construction of an alternate access and an approved design that will achieve an acceptable alternate solution that equates to the previous approved Access E criteria.

It is further understood that SoC 50 provided an outcome supported by both Commonwealth and State environmental agencies for increased habitat connectivity. This issue appears to be unresolved with the current proposal.

The existing and proposed access points along TWR should not be considered in isolation. Provisions for each have a cumulative effect and Access D and E must be considered together with timing related to Stage 2 when Access D is proposed. Council considers the previous approvals and SoC for TWR provided a workable solution; however if the economics of the current proposal require further consideration of traffic infrastructure then this needs to be considered in a comprehensive way with an overall agreed solution.

3.6.4.3 New access to BBLC (Access E)

The comments in 3.6.4 are relevant to achieving an acceptable Access E solution.

MOD 5 does not include a SoC to achieve the approved Access E as a signalised controlled intersection at the new access and also as a safe access for vehicles from the Vincentia High School and pedestrian linkages from the schools and regional pathway system to the VDC. Once again, this forms part of an overall approach to long-term upgrading of the traffic infrastructure to address the traffic impacts.

As part of MOD 2 considerations and the complementary requirements relating to the SoC 50 and provision of Access E and a new access to BBLC that has been considerable discussions and negotiations with Commonwealth and State environmental agencies. The Commonwealth has jurisdiction under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC) and is required to assess amendments to that approval that have been part of previous approvals and with MOD 5.

Council has resolved a position that is reliant on the all approved TWR works being provided in conjunction with the development:

MIN12.261 RESOLVED 20 March 2012 that Council:

- a) *Adopt Masterplan 4687-14B;*
- b) *Agree in principle to the National Parks and Wildlife Service requirements in respect of arrangements and agreements for land to be transferred and commence surveys of the affected land, however seek a compromise width of 7 m for access easements;*
- c) *Re-affirm that the existing public road providing access to the Bay and Basin Leisure Centre will only be closed upon the new access road becoming operational;*
- d) *Commence negotiations with the Catchment Management Authority for approval of a Development Property Vegetation Plan using parts of Lot 51 of DP862697 that are not required for future Council development as an offset to land clearing for future sporting or other community facilities;*
- e) *Inform the Commonwealth Department of Sustainability, Environment, Water, Population and Communities of Council's decisions above and further that the proposed new access road needs to be 25m wide for operational reasons and there being a 10m wide connection to the public road for the creation of a lot containing Shoalhaven water assets, as described on the Masterplan;*
- f) *Commence investigations and options for the closure of unformed roads within the Jervis Bay National Park that are adjacent to the Bay & Basin Leisure Centre locality in conjunction with the National Parks and Wildlife Service subject to a further report being submitted; and*
- g) *Inform Fabcot Pty Ltd and Stockland Limited of Council's decisions.*

The expectation of achieving additional habitat connectivity via the approved SoCs required multiple actions including the transfer of approx. 9 hectares of

land to national park and a variation by the Commonwealth to the EPBC approval upon the adjacent private land that is part of the Concept approved site. Council actions will not commence until a new acceptable access road is constructed at Access E. Three factors impact this; the proposed deletion under MOD 5 of works on TWR, the proposal to comply only with Concept approved SoC50 which has a flow-on effect for TWR that is overlooked by MOD 5 and the probable timeframe between the delivery of Stage 2 of the development that triggers work on TWR.

A copy of the Masterplan for the BBLC and the currently agreed new access road to the BBLC is attached as **Appendix 1**

Council requires an equivalent usage for the new access for buses, delivery vehicles and light vehicles that need to access the BBLC based on the new orientation of the road. Earlier discussions with Fabcot's consulting engineers led to an acceptable design and included a partial cost share to achieve the desired and workable solution.

It is understood that Woolworths may propose to construct an access road that includes only a two lane formation with limited facilities and less controlled at the intersection with TWR and no provisions at the high school entrance for traffic and pedestrians as previously approved. Council considers such an approach needs to form part of an overall traffic solution that addresses the issues outlined above.

3.7 Car Parking

Councils Development Control Plan No 18 applies and also Australian Standard AS 2890 is relevant for the design of the car park. MOD 5 Stage 1 and Stage 2 GFA and proposed car parking aggregate numbers are to be satisfied with the final designs. The proposed angled car parks in MCR have been accepted in the aggregate calculations.

Council requests the following matters be incorporated into the construction plans as a result of previous discussions and negotiations in MOD 2:

- (i) There being at least eleven (12) long vehicle car parks located and signposted in the western side of the Stage 1 car park. This equates to and are counted as 22 car spaces with drive through capacity and located to enable forward manoeuvring by typical holiday needs (motor homes, caravans and trailers). Councils submission at MOD 3 is as follows:-

4.1 Long Vehicle parking

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

Comment for MOD 5: Council requests further discussion on this matter as the MOD 5 had not included any detail concerning the works in MCR and the internal Stage 1 car parking layout design should consider a number of additional amendments.

- (ii) Parking for persons with disabilities being provided at each stage, including spaces at the western mall entry in Stage 1 and adjacent to the Stage 2 entries of the retail, bulky goods and library uses.
- (iii) Trolley bays being provided adjacent to the eastern entry to retail mall Stage 2.

3.8 Pedestrian Safety and pathway linkage.

The VDC will be major source of pedestrian activity as well as a major traffic generating development. There are issues of pedestrian safety within the development including car park areas.

The approved SoCs and conditions of approval have taken pedestrian movement internal to and from outside the development:

- (i) Pedestrian movements will occur between the Bayswood residential area and the Bayswood Retirement development on the northern side of MCR.
- (ii) In the vicinity of the development are a high school and a primary school and there is an active Consent for a private school, all on the opposite sides of TWR and NCR from the VDC site.
- (iii) A regional shared pathway providing pedestrian movement from the Bay and basin villages to the Jervis Bay coast pathways is located on the southern side of TWR.

MOD 5 does not adequately address pedestrian safety from outside the development. The approved mechanisms including the pedestrian pathway links across MCR and NCR/TWR have been deleted from MOD 5. The approved mid-block signalised pedestrian crossing on NCR has not been identified in MOD 5.

3.9 Stormwater management

Approved SoCs require approvals and implementation for the stormwater management (SMP) for the development. A water feature as part of the SMP has been constructed on-site. The stormwater provisions include intrusions from off-site and buildings and hard stand areas. In MOD 2 a number of Concept stormwater plans were submitted for consideration and incorporated into condition of approval 1.2 in Schedule 2 of MOD 4.

In MOD 5, the car park layout has been amended from the approved MOD 4. Council requests the stormwater concept plans be reviewed and then construction plans be submitted for approval by Council as SoCs under Water Supply and Quality Management.

3.10 Water and sewer Infrastructure

Council's Shoalhaven Water group is the authority for the provision of water and sewer infrastructure. The requirements have been advised to DPI separately on 12 March 2013, and are included, below:

General Comments:

Subsequent to any approval under section 75W for modification 5, the applicant/developer is to make a written application to Shoalhaven Water for a review of the Shoalhaven Water Development Application Notice dated 25/1/2012. In addition to this application the applicant/developer shall submitted all approved plans, accurately detailing the areas of the proposed development for each proposed stage.

Shoalhaven Water also advise there are multiple existing and proposed assets within the vicinity of the proposed access points, therefore detailed road design plans shall be submitted which accurately show the location of all existing and proposed Shoalhaven Water assets in relation to the proposed road works. The main area of potential conflict are within the vicinity of Moona Creek Rd and works associated with the roundabout and access at the corner of Moona Creek Rd and Naval College Rd.

Sewer Servicing Proposed Pad Sites 1 & 2.

In addition to the above noted points Shoalhaven Water advise that the proposed pad sites located on the south eastern part of the site may have limited ability to drain via gravity to the existing gravity sewer connection point located in the north western corner of the development site. Whilst it is noted that any proposed development within this area will be subject to a separate development application the applicant/developer should take this into consideration when determining how the proposed development and subsequent developments may be serviced if a gravity sewer connection is proposed for these areas.

4 Conclusion

Council's submission includes a number of matters and the DPI is requested to consider these and facilitate discussions to achieve an acceptable outcome.

Once again, it should be noted that Council strongly supports an appropriate district centre. However there are a significant number of design, technical and cost sharing issues that need to be resolved. Council seeks DPI support to help resolve these issues quickly so that a sound development proposal can proceed as quickly as possible.

T. Fletcher

Director, Development & Environmental Services

5 April 2013

Appendix 1

BBLC Masterplan and new access road design at Access E