

Modification of Minister's Approval

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

The Planning Assessment Commission of New South Wales (the Commission), under the instrument of delegation dated 14 September 2011, approve the modification of the project approval referred to in schedule 1, subject to the conditions in schedule 2.

Member of the Commission

Member of the Commission

Sydney

2013

SCHEDULE 1

Project Approval:

06_0025 granted by the then Minister for Planning on 7 January 2009 as amended by modification approval granted on 10 April 2009, 15 March 2011, 8 August 2011 and 30 March 2012

For the following:

A Project Application for:

- site preparation works (including earthworks and vegetation clearing) with the Stage 1A, 1B and Stage 2;
- subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;
- Stage 1A having approximately 21,801m² of gross floor area, comprising 18,959m² of retail gross floor area including Big W DDS, two supermarkets (Woolworths with associated liquor and Aldi), Dick Smiths, specialty retail uses inclusive of kiosks and mini/major retail outlets and 481m² of commercial gross floor area, centre management and amenities, and 2,361 m² of enclosed walkways;
- Stage 1B having approximately 1,714 m² of gross floor area comprising only specialty retail outlets, and 517m² of enclosed walkways;
- Stage 2 having approximately 10,212 m² of gross floor area comprising 7,737 m² of retail gross floor area including a supermarket, a mini/major and speciality shops, and 932m² of commercial gross floor area, amenities and 1,543 m² of enclosed walkways;
- fit out and occupation of the Big W DDS, Woolworths supermarket and associated liquor, Aldi supermarket and Dick Smiths;
- roads and access/public domain works within the Vincentia District centre (including Moona Creek Road, The Wool Road, external road works, footpaths and open space areas),

- a minimum of 926 car parking spaces are to be provided in Stage 1A and a minimum of 1,328 car parking spaces are to be provided at the completion of Stage 2, along with loading docks and trolley storage;
- provision of infrastructure for water, sewerage, electricity and telecommunications;
- water sensitive urban design, and
- associated works and road works.

No approval is given for those areas identified as 'Future Development Sites' on the Final Stage Plan – South East DA1203 Rev P dated 23 March 2011. Any development in this part of the site is to be the subject of a separate application.

Modification:

The modification includes the following:

- construction of the centre in three stages, identified as Stage 1, 2 and 3, with the release of Stages 2 and 3 subject to market demand;
- revised staging to allow construction of both supermarkets and associated retail in Stage 1 and construction of the DDS, bulky goods and other specialty retail uses in Stage 2/3
- redesign of centre layout;
- amendments to GFA and net lettable areas associated with each stage;
- consolidation of loading docks;
- incorporation of two commercial sites (petrol and fast food outlet) within Stage 1;
- redesign of the car parking layout to incorporate a circulation route;
- relocation of bus stop from Moona Creek Road to within the carpark;
- amendment to building level (R.L. 13.0m);
- amendments to materials and finishes;
- reinstatement of retail uses to Moona Creek Road;
- revised landscaping strategy; and,
- revised staging and construction of road works.

SCHEDULE 2

The project approval is modified as follows:

SCHEDULE 1

PART A - TABLE

- 1) Delete the table in Part A – Table and replace with the following:

Proponent:	Fabcot Pty Ltd
Application made to:	Minister for Planning and Infrastructure
Major project number:	06_0025
On land comprising:	Lot 177 DP1123782, Lot 801 DP1022286, Lots 2 and 3 DP1118806, and Lots 72 and 73 DP874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	Stage 1, 2 and 3 of the Vincentia District Town Centre
Capital Investment Value:	\$80 million
Type of development:	Project approval under Part 3A of the Act
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2

SCHEDULE 2

1. ADMINISTRATIVE CONDITIONS

- 2) Delete Condition 1.1 and replace with new Condition 1.1 as follows:

Development Description

1.1

1. Project approval is granted for the construction of the Vincentia District Centre in three stages as follows:
 - a) Stage 1 having 11,833m² of gross floor area comprised of the following:
 - i) Woolworths supermarket with associated liquor (4,187m²)
 - ii) Aldi supermarket (1,396m²)
 - iii) Specialty retail and commercial (2,917m²)
 - iv) Mini/major retail outlets (1,122m²)
 - v) Amenities (201m²)
 - vi) Arcade (1,590m²)
 - vii) Petrol station (70m²)
 - viii) Fast food outlet (350m²)
 - b) Stage 2 having 13,223m² of gross floor area comprised of the following:
 - i) Discount department store (Big W) (7,780m²)
 - ii) Specialty retail (2,186m²)
 - iii) Arcade (1,719m²)
 - iv) Mini/major retail outlets (138m²)
 - v) Library (1,400m²)
 - c) Stage 3 having 6,902m² of gross floor area comprised of bulky goods / retail;
 - d) Site preparation works (including earthworks and vegetation clearing) associated with all stages;
 - e) Subdivision to create a 12.16ha lot upon which the District Centre will be constructed;
 - f) The provision of loading docks, trolley storage and car parking spaces as follows:
 - i) 531 retail spaces in Stage 1
 - ii) 450 retail spaces and 58 library spaces in Stage 2
 - iii) 150 retail spaces in Stage 3

- g) Provision of infrastructure for water, sewerage, electricity and telecommunications;
 - h) Water sensitive urban design; and,
 - i) Associated road works.
2. No approval is given for those areas identified as 'Future Development Site' located adjacent to the intersection of The Wool Road and Naval College Road on the Phasing Plan, Drawing No. DA0103 Rev Z, undated, prepared by Scott Carver. Any development on this part of the site is to be the subject of a separate application.
 3. The retail tenancies facing Moona Creek Road in Stage 1, as shown on the Phasing Plan, Drawing No. DA 0103 Revision Z, are modified to allow for commercial or retail tenancies.
- 3) Delete Condition 1.2 and replace with new Condition 1.2 as follows:

Development in accordance with Plans and Documentation

- 1.2** The development shall be in accordance with the following plans and documentation (including any recommendations and Statement of Commitments made therein):
- a) Environmental Assessment Report – Proposed Vincentia District Town Centre – Stage 1 – prepared by Don Fox Planning and dated 22 April 2008;
 - b) Response to Agency and Public Submissions including Revised Statement of Commitments prepared by Don Fox Planning and dated 10 October 2008;
 - c) As amended by Environmental Assessment Report – Modification of Project Application Vincentia District Centre dated September 2010 prepared by The Planning Group;
 - d) As amended by the Preferred Project Report and Response to Submissions Report and Statement of Commitments dated July 2011 prepared by the Planning Group and associated drawings;
 - e) As amended by the Environmental Assessment dated March 2011 and the Submissions Report and Statement of Commitments dated July 2011 prepared by The Planning Group and associated drawings;
 - f) As amended by the Environmental Assessment dated 18 November 2011 prepared by The Planning Group and associated drawings;
 - g) As amended by the Environmental Assessment for Major Project Application No. 06_0205 - Vincentia District Centre - Modification 5 dated November 2012 prepared by The Planning Group and associated revised modification documentation, including the 'Vincentia District Centre Design Summary Mod 5 Submission 17th June 2013', Statement of Commitments dated 30 August 2013 and the following drawings:

Architectural Drawings prepared by Scott Carver			
Drawing No	Revision	Name of Plan	Date
DA 0103	Z	Phasing Plan	Undated
DA 1202	V	Plan Stage 1 – North East	Undated
DA 1501	K	Elevations and Finishes – Sheet 1	Undated
DA 1502	I	Elevations and Finishes – Sheet 2	Undated
DA 1900	B	GFA Calculation Sheet	Undated
Landscape Plan prepared by Scott Carver			
-	-	Stage 1 Landscape Masterplan	Undated
DA 01	A	Vincentia District Centre	Undated
DA 02	A	Vincentia District Centre	Undated
Civil Drawings prepared by Cardno Forbes Rigby			
1000	1	BBLC Access Concept Plan	26/06/13
1001	1	TWR Roundabout Concept Plan	26/06/13

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes)

- 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- as otherwise provided by the conditions of this approval.

2. GENERAL CONDITIONS

4) Amend Condition 2.1 as follows:

- a) Delete the words "the construction certificate" in the first paragraph of Condition 2.1 and replace with the words "any construction certificate".
- b) Delete Condition 2.1(i) and replace with new Condition 2.1(i) as follows:

Construction Management Plan

2.1

- (i) include a traffic and parking management plan which clearly describes the methods proposed to be employed to separate shopper and pedestrian traffic associated with operating stage(s) from the construction traffic associated with the construction of subsequent stages;
- c) Immediately after the words "Construction Certificate" in the final paragraph insert the words "for each stage".

5) Delete Condition 2.5

6) Delete Condition 2.11 and replace with new Condition 2.11 as follows:

Landscaping

2.11

The proponent shall use local provenance native climbers within the arbour screen elements fixed along the façade of Arbour Way in Stage 1, and is to use plants of local provenance in the landscaping of the remainder of Stage 1, 2 and 3 of the District Centre. All species shall be selected with due regard to the Threatened Species Management Plan dated 5 September 2012.

7) Amend Condition 2.12 as follows:

- a) Delete the word "RTA" and replace with the word "RMS"
- b) Immediately after the words "prior to the issue of the" insert the word "relevant"

8) Amend Condition 2.12A as follows:

- a) Delete the words "Integral Energy's policy MMI0013" and replace with the words "Endeavour Energy's policy"
- b) Immediately after the words "Construction Certificate" insert the words "for each stage"

9) Amend Condition 2.13 as follows:

- a) Immediately after the words "demonstrate design compliance with this condition" insert the words "for each stage"

10) Immediately after Condition 2.13 insert new condition 2.13A as follows:

Footpath and Cycle Paths

2.13A

The Proponent shall design and construct foot and cycle paths as documented in Design Summary by Scott Carver Architects dated 17 June 2013 submitted as part of 06_0025 MOD5, including:

- a) A main east-west footpath to the District Centre from residential stages on the opposite side of Moona Creek Road;
- b) Footpaths along Moon Creek Road; and,
- c) A temporary shared foot and cycle path to The Wool Road at a width of 2.4m until Stage 2 of the District Centre is constructed

11) Delete Condition 2.14 and replace with new Condition 2.14 as follows:

Bay and Basin Leisure Centre Access Road

2.14

- a) Construction of the Bay and Basin Leisure Centre access road shall commence within 2 months of receipt of the Construction Certificate for the new access road works. Approval is granted for the concept design of the access road as shown in the "BBLC Access Concept Plan" prepared by Cardno Forbes Rigby Drawing No.1000 Rev 1, dated 26 June 2013, or any modification to this design agreed to be both Shoalhaven City Council and the Proponent.
- b) Detailed design drawings complying with AUSTROADS standards of the access road works shall be approved by Council prior to the issue of a Construction Certificate for Stage 1, consistent with BBLC Access Concept Plan Drawing No.1000 Rev 1 dated 26 June 2013 prepared by Cardno Forbes Rigby.

12) Delete Condition 2.15 and replace with new Condition 2.15 as follows:

Site Access Arrangements – The Wool Road

- 2.15** Left in/left out access to the District Centre site from The Wool Road, as shown on the Phasing Plan, Drawing No.DA0103 Revision Z, undated, shall be suitably incorporated into the design of Stage 2 of the District Centre and completed prior to the issue of an Occupation Certificate for Stage 2 of the centre.

13) Delete Condition 2.16 and replace with new Condition 2.16 as follows:

Naval College Road

2.16

- a) Detailed design of the road upgrade works to Naval College Road shall be approved by Council prior to the issue of a Construction Certificate for Stage 1 of the District Centre. The design, realign and upgrade shall be to two lanes and 80km/hr AUSTROADS standards.
- b) Detailed design of the 2 lane roundabouts at the intersections of Naval College Road / The Wool Road and Naval College Road / Moona Creek Road shall be approved by Council prior to the issue of a Construction Certificate for Stage 1 of the District Centre.
- c) Design of the Naval College Road / The Wool Road roundabout shall comply with AUSTROADS standards and be generally consistent with the TWR Roundabout Concept Plan, Drawing No.1001 Rev 1, dated 26 June 2013 prepared by Cardno Forbes Rigby.
- d) The road works referred to in clauses (a) and (b) above shall be constructed prior to the issue of an Occupation Certificate for Stage 1 of the District Centre at the Proponent's cost.

14) Immediately after Condition 2.16 insert new Condition 2.16A as follows:

Moona Creek Road

2.16A

- a) Detailed design of the road upgrade works to Moona Creek Road shall be submitted to council for approval prior to the issue of a Construction Certificate for Stage 1 of the District Centre. The design shall generally be in accordance with the Moona Creek Road Layout Plan and Typical Sections 60 Degree Parking Plan Drawing No.8016 PO prepared by Cardno dated 3 October 2008 and the architectural plans prepared by Scott Carver dated 17 June 2013 submitted with 06_0025 MOD5, including street tree planting, car parking and paving treatments.

- b) The road works referred to in (a) above shall be constructed prior to the issue of an Occupation Certificate for Stage 1 of the District Centre at the Proponent's cost.

15) Amend Condition 2.21 as follows:

- a) Immediately after clause (g) insert new clauses (h), (i) and (j) as follows:
 - h) parallel parking spaces on the western side of the centre shall be allocated as 2 taxi bays and drop off / pick up bays for customers;
 - i) provision for vehicle queuing associated with the fast food pad site; and,
 - j) relocation of the pedestrian crossing from the western side of the southern carpark to a location clear of the corner, or any other design agreed to by Council, to address pedestrian safety in this location
- b) Immediately after the words "Construction Certificate" insert the words "for each stage"

16) Delete the words "Stage 1A" in Condition 2.24 and replace with the words "Stage 1"

17) Amend Condition 2.25 as follows:

- a) Delete the words "Stage 1A" and replace with the words "Stage 1"

18) Delete Condition 2.26 and replace with new Condition 2.26 as follows:

Loading Docks

2.26 The loading docks are to be designed to cater for 19 metre semi-trailers. Plans clearly illustrating the swept paths for all 19 metre semi-trailers using the loading docks shall be approved by Council prior to the issue of a Construction Certificate for each stage of the District Centre. In addition, no loading docks are to be used between the hours of 10pm and 7am on any day.

19) Amend Condition 2.28 as follows:

- a) Delete the words "McKenzie Group" in the second paragraph and replace with the words "Council for approval"
- b) Immediately after the words "Occupation Certificate" insert the words "for each stage"

20) Amend Condition 2.32 as follows:

- a) Immediately after the words "Stage 2" insert the words "and 3"

21) Amend Condition 2.35 as follows:

- a) Immediately after the words "Construction Certificate" insert the words "for each stage"

22) Amend Condition 2.36 as follows:

- a) Delete clause (a)
- b) Immediately after the words "Construction Certificate" in the final paragraph insert the words "for each stage"

23) Delete Condition 2.41 and replace with new Condition 2.41 as follows:

Advertising signage

2.41

- a) All signage including the proposed pylon signs is to comply with the requirements of Shoalhaven Council's Signage Strategy (DCP-082)

- b) Details of a gateway treatment sign/display at the intersection of Moona Creek Road and Naval College Road shall be submitted to council for approval prior to the issue of an occupation certificate for Stage 1.

24) Delete Condition 2.43 and replace with new Condition 2.43 as follows:

Library Space in Stage 2

- 2.43** The lease of the 1,400m² library space is to be offered to Shoalhaven City Council, with the terms and conditions for the use of this space to be negotiated between those parties. Council are to confirm an intention to lease the library space within 6 months of the lodgement of the construction certificate for the construction of Stage 2 or Stage 3 of the project, whichever occurs first. Should Council choose to not use this space, it may be leased to another tenant.

25) Amend Condition 2.44 as follows:

- a) Delete the words "1A and 1B" and replace with the words "1, 2 and 3"
- b) Immediately after the words "Construction Certificate for" insert the words "each stage"
- c) Delete the words "Stage 1A"
- d) Delete the word "Mona" and replace with the word "Moona"

26) Immediately after Condition 2.44 insert new Conditions 2.45, 2.46, 2.47, 2.48, 2.49, 2.50 and 2.51 as follows:

Water Quality

2.45

- a) The proponent shall undertake a water quality monitoring program in accordance with the Water Quality Monitoring Plan submitted with the Environmental Assessment dated 22 April 2008 to measure performance of WSUD measures against ANZECC Guidelines throughout the development and for a period of three years following completion of each stage of the District Centre.
- b) A water quality monitoring report prepared by a suitably qualified professional shall be submitted to the Jervis Bay Marine Park Authority and Council on an annual basis that includes an assessment of data against relevant standards, any exceedances and any mitigation measures necessary to comply with the relevant standards.

Petrol station commercial site

- 2.46** The detailed design plans for the petrol station site shall include a swept path design analysis to show that heavy vehicles (including semi trailers, rigid trucks) are able to safely access the petrol station, in accordance with Section 3.4.1, AS 2890.2-2002.

Access of bulky goods retail precinct loading dock (Stage 2)

2.47

- a) The design (to Australian Standards) of the access road for the bulky goods retail precinct loading dock is to be approved by Council prior to the Construction Certificate for Stage 2.
- b) The works are to be completed prior to the issue of an Occupation Certificate for Stage 2.

Bus and coach provisions

- 2.48** Prior to commencement of detailed design, the Proponent must consult with local bus, community bus, and tourist coach operators to discuss potential future bus and coach operations serving the proposed development site, and their likely approach and departure routes and any layover requirements. Evidence of such is to be provided to Council prior to the Construction Certificate for Stage 1.

Stormwater Management

- 2.49** The Proponent shall prepare a Stormwater and Drainage Management Plan for the project for approval of the Director-General prior to the issue of a construction certificate for Stage 1. This plan must:
- a) be prepared in consultation with Council by a suitably qualified and experienced expert;
 - b) be prepared in accordance with OEH's *Managing Urban Stormwater Guidelines*, applicable Australian Standards and industry standard best practice guidelines;
 - c) include a stormwater drainage plan, including hydraulic calculations based on a 1 in 100 ARI;
 - d) MUSIC modelling outputs demonstrating appropriate water quality objectives will be achieved;
 - e) include details of all proposed stormwater, treatment and control infrastructure, and any stormwater outlets;
 - f) detail how surface water flows would be restricted to pre-development rates or less;
 - g) include surface water impact assessment criteria including trigger levels for investigating adverse impacts and implementing mitigation measures; and,
 - h) include protocols for the investigation and implementation of mitigation measures for identified exceedances of the surface water impact assessment criteria.

Level of service of roundabout and priority intersections

- 2.50** Details of the leg/ movement with the highest average delay is to be used to determine the LoS, in accordance with the RMS 'Guide to Traffic Generating Developments', to provide confirmation of intersection performance reported in Stage 1 & 2 traffic reports prepared by CBH&K submitted with the modification request for 06_0025 Mod 5.

Crash Data Analysis

- 2.51** Detailed crash analysis (of at least the last 5 years of crash data) for the Naval College Road and The Wool Road must be undertaken prior to the issue of a construction certificate for Stage 1. Details of how any traffic issues identified are to be resolved are to be approved by the Certifying Authority prior to the Construction Certificate for Stage 1 and accompanied by a design statement from a qualified Traffic Engineer.

SCHEDULE 3

STATEMENT OF COMMITMENTS

- 1) Delete the Statement of Commitments dated October 2010 and replace with the Revised Statement of Commitments dated 30 August 2013, attached.

Applicant:	Fabcot Pty Ltd
Project Address:	Vincentia District Centre - Moona Creek & Naval College Road, Vincentia NSW 2540
Previous D.A. Number:	MP06_0025 MP 06_0025 MOD 1 MP 06_0025 MOD 2 MP 06_0025 MOD 3 MP 06_0025 MOD 4
	Date of Issue: 7 January 2009 15 March 2011 8 August 2011 30 March 2012

Condition	Mod 5 Status / Timing
<p>Statutory Commitments</p> <p>The developer will obtain and maintain the following licences, permits and approvals for the district centre :</p> <ul style="list-style-type: none"> • Construction Certificates for engineering works (including earthworks, soil and water management, clearing, roadworks, drainage, landscape, water supply, and sewerage); • Subdivision Certificates for the District Centre; • Occupation Certificates; • Roads and Traffic Authority Road Occupancy Licence; • Road Opening Permit; • Section 138 Consent for roadworks (Roads Act 1993); • Integral Energy Design Certification; • Integral Energy notification of Arrangement; • Telstra Compliance Certificate; • Shoalhaven Water Compliance Certificate; • Department of land and Property Information registration of the Subdivision 	<p>Prior to the construction and registration of each stage within the development, and as required from time to time.</p>

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No. 2	<u>Conveyancing</u> The developer will prepare a final plan of subdivision and Section 88B instrument to create a separate allotment that will accommodate the overall District Centre development. The Section 88B Instrument will provide easements for utility services that encroach onto private land or public reserves.	Subdivision plan & registration completed.
Commitment No. 3	<u>Construction</u> The developer will prepare a Construction Management Plan that will include: <ul style="list-style-type: none"> • An education strategy for construction contractors; • Description of the work program outlining relevant timeframes for activities. • Details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders. • Description of the roles and responsibilities for all relevant employees involved in the construction phase. • Details of the environmental management procedures, monitoring and reporting requirements during the construction or operation phase. • Details as to what incident management procedures will be undertaken during construction or operation. • The minimisation of rubbish and debris at the site from development activities during the construction phase. 	Prior to the commencement of construction of stage 1, and updated prior to the commencement of construction for each subsequent stage of the development.
Commitment No. 4	<u>Construction</u> The developer will prepare work as executed plans for construction work in each stage and provide such plans to Shoalhaven City Council.	Prior to the release of the Final Occupation.
Commitment No. 5	<u>Construction</u> The developer will prepare works as executed plans in a format compatible with the geographic information system (GIS) of the Shoalhaven City Council to assist with the Council asset management database.	Prior to the release of the Final Occupation Certificate.

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No. 6	<u>Fire Management</u> The developer will install fire hydrants in accordance with Australian Standard S2419.1-2005.	To be detailed in within the Construction Certificate application and installed prior to the release of the Final Occupation Certificate.
Commitment No. 7	<u>Environmental Zone Management</u> The developer will prepare a plan to manage the Environmental Zone consistent with the requirements of Condition 3 and 4 of the EPBC Act approval dated 30 July 2007 issued by the then Commonwealth Department of Environment and Heritage.	Before clearing of the land and commencement of construction.
Commitment No. 8	<u>Environmental Zone Management</u> The developer will fence the interface boundary between the District Centre and the Environmental zone with a fence of post and wire construction to at least the height of an Australian Standard pool rated fence. The fence will be constructed stage by stage	The fencing to be completed prior to the issue of the Stage 1 Final Occupation Certificate.
Commitment No. 10	<u>Environmental Zone Management</u> The developer will retain ownership and maintenance responsibility for the Environmental zone land in accordance with the appropriate management plans until such time that the land can be transferred to an agreed entity to manage the environmental lands.	Upon commencement of work on the site, with the appropriate entity being identified prior to the completion.
Commitment No. 11	<u>Environmental Zone Management</u> The proponent is to prepare and implement restoration of the scalded area and the existing BBLC access road area within the Jervis Bay Orchid habitat north of the District Town Centre within 2 months of the closure by Council of the existing public access road serving the BBLC.	Prior to the release of the Final Occupation Certificate for stage 1
Commitment No. 12	<u>Water Supply and Quality Management</u> The developer will design and install water quality control measures in accordance with the principles of the Supplementary WSUD Study prepared by Forbes Rigby, January, 2008.	Design details to be provided prior to the release of the Construction Certificate.

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No. 13	<u>Water Supply and Quality Management</u> The developer will undertake to carry out further analysis of the most appropriate design of the drainage channel in the location of Eastern Creek with the design of Stage 1 of the District Centre including detailed designs of the piped drainage system.	Prior to commencement of construction of Stage 1 of the District Centre.
Commitment No. 14	<u>Water Supply and Quality Management</u> The developer will undertake to carry out further design work on the major/minor stormwater system with the Construction Certificate to ensure that: <ul style="list-style-type: none"> • A minor drainage system is designed to cater for all events up to and including the 1 in 10 year ARI design storm for the retail and commercial areas; and • A major drainage system is designed to safely convey flows in a 1 in 100 year ARI design floor 	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 15	<u>Water Supply and Quality Management</u> The developer will undertake further detailed design of the top-up arrangements for the pond to ensure that the pond contains sufficient water during dry periods to maintain the aesthetics of the pond. These detailed designs will investigate the use of rain rainwater tanks for topping up of the pond.	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 16	<u>Water Supply and Quality Management</u> The developer will undertake further detailed design work into the rain water tank design including location, specific plumbing connection requirements and gutter/downpipe connectivity.	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 17	<u>Water Supply and Quality Management</u> The developer will remain responsible for the maintenance of water sensitive urban design structure (WSUD) and open space areas within the District Centre and will undertake to carry out maintenance of the WSUD elements and ponds.	For the life of the District Centre with regular maintenance scheduled at 6 monthly intervals or after heavy rainfall.

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No. 18	<p><u>Water Supply and Quality Management</u> The developer will implement soil and water management plans to control runoff during construction in accordance with the principles included in the information prepared by Cardno contained in Appendix D of the Environmental Assessment prepared by TPG dated March 2011 and The Blue Book, Managing Urban Stormwater: Soils and Construction, Landcom, 4th Edition, 2004</p>	Prior to the release of the Construction Certificate for stage 1
Commitment No. 19	<p><u>Public Safety</u> The developer will ensure that the water quality and sedimentation pond will include a combination of the following measures to provide for public safety:</p> <ul style="list-style-type: none"> • Provision of a safety ledge to all edges where there is access to the water (irrespective of whether the boardwalk is adjacent to the edge). The safety ledge will have water between 300 and 600 mm deep (during periods of elevated water levels due to heavy rainfall) and be 3 metres wide with a surface that is stable enough for people to stand on; • Provision of safe egress points from the pond at reasonable centres where there is a vertical wall over 600mm high at the likely exit point with the wall measured from the water level or the bottom of the wall where it is underwater. Egress points will allow a child who can walk to be able to climb out of the water, via rocks or other structures within the ledge adjacent the edge wall. • Macrophytes will be planted to all edges where a continuous grade into the water is provided in lieu of a safety ledge; • If required, all balustrades to the pond edge to be vertical with gaps between verticals to be 100mm or to comply with pool fencing legislation • The design around any water inlet structures will ensure that they are safely grated to prevent access and to ensure that they are fenced where they could inadvertently provide a point of deep water access at the edge of the pond; and • Minimal use horizontal concrete surfaces which could become slippery when wet. 	Design details to be provided prior to the release of the Construction Certificate.
Commitment No. 20	<p><u>Public Safety</u> The owner will engage centre management staff to ensure that the public spaces and amenities within The developer's ownership and control are maintained in a good and clean condition.</p>	Prior to the issue of the Stage 1 Occupation Certificate.
Commitment No.21	<p><u>Cultural Heritage</u> The developer will inform the Jerrinja Local Aboriginal Land Council of progress of the development.</p>	Ongoing through the construction of the development.

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No.22	<u>Cultural Heritage</u> The developer will engage the local community and facilitate employment opportunities where possible between contractors and Jerrinja aboriginal community.	Ongoing through the construction of the development.
Commitment No.23	<u>Infrastructure</u> The developer will provide reticulated water supply, sewerage and underground electricity to the District Centre.	Prior to the release of the Final Occupation Certificate.
Commitment No.24	<u>Infrastructure</u> The developer will relocate existing high voltage electricity cables parallel to Naval College Road where they conflict with the development footprint for each stage of the District Centre.	Works completed.
Commitment No.25	<u>Infrastructure</u> The developer will provide for infrastructure services generally in accordance with sewer reticulation, water reticulation, electrical & communications, WSUD & drainage, services footway GSM & CDMA Concept Plans attached to the Services and Infrastructure Report prepared by Cardno Forbes Rigby Pty Ltd, dated January 2008.	Prior to the release of the Final Occupation Certificate.
Commitment No.26	<u>Infrastructure</u> The developer will bear the cost of the relocation of utility services required at each Stage of the development of the District Centre.	Prior to the issue of the Final Occupation Certificate.
Commitment No.27	<u>Roads</u> The developer will bear the cost of the relocation of utility services as a result of the construction of the development and as necessary for each stage required.	Prior to the issue of the Final Occupation Certificate.
Commitment No.28	<u>Roads</u> - Rehabilitation of existing BBLC The developer will prepare and implement restoration of the scalded area and the existing BBLC access road area within the Jervis Bay Orchid habitat north of the District Town Centre within 2 following the closure by Council of the existing public access road serving the BBLC.	Prior to the occupation of the first stage of the District Centre.

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No. 29	Ensure that the AUSTROADS Design Service Vehicle (8.8 metre rigid) can negotiate all public roads and intersections and that the AUSTROADS Long Rigid Bus (14.5metre) can negotiate all bus routes.	Prior to the release of the Final Occupation Certificate for each stage.
Commitment No.30	<u>Weeds</u> The developer will undertake a weed monitoring program in accordance with the Weed Management Plan during the maintenance period.	For a period of two years following the issue of an Occupation Certificate for each stage.
Commitment No.31	<u>Section 64 Contributions</u> The developer will pay Section 64 water and sewer developer contributions in accordance with the development servicing plan applicable at the time of payment.	Prior to the issue of a Construction Certificate for each stage
Commitment No.32	<u>Road Widening</u> Land for Road Widening to be ceded to and at nil cost to the Council. The developer to bear all costs to facilitate transfer of land.	Dedication completed
Commitment No.33	<u>Car Parking Design</u> The developer will construct the internal car parking areas in accordance with the specifications of the Shoalhaven DCP No. 18.	Details to be provided with the Construction Certificate
Commitment No.34	<u>Car Parking Design</u> The developer will provide a taxi call system for customers of the district Centre.	To be provided upon commencement of Stage 1A of the District Centre.
Commitment No.35	<u>Acoustics</u> The developer will undertake that deliveries to Stage 1 of the District Centre loading dock will not occur between 10.00pm and 7.00am the following day to control noise impacts to the future residential areas on the western side of Moona Creek Road.	For the life of the District Centre

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No.36	<p><u>Acoustics</u> Stockland will impose a Section 88B instrument under the Conveyancing Act, 1919 on the title of any future residential allotments fronting Moona Creek Road in the area as predicted by the receiver points labelled 1-12 on the plan attached to the Noise Impact Assessment, prepared by Heggies Pty Ltd, Report No. 10-3015-R2, Revision 2, dated 1 October 2008. The Section 88B instrument will require acoustic treatments to be incorporated into future dwellings and/or associated landscaped site works to meet the acoustic design criteria as set out in the Noise Impact Assessment, prepared by Heggies Pty Ltd, Report No. 10-3015-R2, Revision 2, dated 1 October 2008.</p>	<p>Prior to the issue of a subdivision certificate for the affected residential land</p>
Commitment No.37	<p><u>Accessibility</u> The developer will review and implement Accessibility measures consistent with DDA code of compliance.</p>	<p>Details to be provided prior to the release of the Construction Certificate.</p>
Commitment No.38	<p><u>Sustainability</u> The developer will implement design strategies for the District Centre that meets as a minimum the following performance outcomes. <input type="checkbox"/> The retail, library and community services buildings will be designed to meet the minimum performance requirements of Section J of the Building Code of Australia and consider design initiatives that are consistent with rating the areas under the NABERS scheme for energy and water should appropriate systems be implemented in the future. <input type="checkbox"/> The retail buildings will be designed to meet the minimum requirements of Section J of the Building Code of Australia and to achieve a 4 Star NABERS rating for Energy and Water. Design initiatives will be implemented that are consistent with obtaining a formal rating. <input type="checkbox"/> The commercial buildings will be designed to meet the minimum requirements of Section J of the Building Code of Australia and to achieve a 4 Star NABERS rating for Energy and Water. Design initiatives will be implemented that are consistent with obtaining a formal rating.</p>	<p>Sustainability measures will be investigated further during the detailed design development of the District Centre with selected measures being incorporated into the Construction Certificate plans before the issue of a Construction Certificate.</p>

SoC / DA No.	Condition	Mod 5 Status / Timing
Commitment No.39	<p><u>Sustainability</u></p> <p>The developer will install a centralised Building Management System (BMS) to monitor energy and water consumption and to control maintenance of all central plant.</p>	<p>The BMS is to be installed in the building prior to the commencement of use.</p>
Commitment No.40	<p>The Guide is to be prepared within 6 months of obtaining a Construction Certificate for each Stage of the District Centre to ensure prospective tenants can utilise the Guide in designing their fit-out.</p>	<p>This guide is to be submitted to McKenzie Group throughout the construction, 6 months after the issue of the Construction Certificate for each stage.</p>
Commitment No.41	<p><u>Sustainability</u></p> <p>The developer will provide all tenants with a generic green fitout guide and development specific tenant fitout guide which also addresses compulsory and suggested ESD initiatives for fitouts. The Guide will be prepared and made available to prospective tenants before they prepare development application or construction certificate documentation for their fit-out</p>	<p>The Guide is to be prepared within 12 months of obtaining a Construction Certificate for each Stage of the District Centre to ensure prospective tenants can utilise the Guide in designing their fit-out.</p>