

18 November 2013

## **Determination of Modifications to the Design of Stage 1, Vincentia District Centre (Mod 5)**

### **1. DELEGATION TO THE COMMISSION**

The above modification application has been referred to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation dated 14 September 2011. The delegation is authorised because the proponent (Woolworths Limited) has disclosed a reportable political donation.

Ms Abigail Goldberg has been nominated to constitute the Commission to consider and determined the application.

### **2. APPROVAL SOUGHT TO BE MODIFIED**

The Vincentia Coastal Village Concept Plan for a 604 lot residential subdivision and a district town centre (to be development in 3 stages) was approved in January 2007. The town centre with a GFA of 32,000m<sup>2</sup> was approved subject to a Design Excellence Competition, which was won by Rice Daubney.

Stage 1 of the Rice Daubney designed District Town Centre was approved in January 2009 with a total GFA 14,000m<sup>2</sup> including 10,000m<sup>2</sup> of retail space and 4,000m<sup>2</sup> of commercial/community space (including a library). Since the 2009 approval, both the design team and proponent have changed, and the project has been modified four times.

A summary of these modifications are detailed in the Department's assessment report.

### **3. THE SUBJECT MODIFICATION APPLICATION (MOD 5)**

The proposed modification sought approval to convert Arbour Walk into a street, consolidate the loading docks into one location, relocate the supermarkets and DDS and the retail tenancies from Moona Creek Road to front Arbour Street, amend the Boardwalk link design, reduce the building footprint and net lettable area, revise the staging plan and reconfigure the primary circulation driveway.

The preferred project report (PPR) revised the application to address issues raised in submissions from the public, Shoalhaven City Council (Council) and agencies. Amendments include:

- Reinstatement of tenancies fronting Moona Creek Road and associated parking;
- Increased setbacks between the two future development sites (PAD1 and PAD2) and Naval College Road;
- Improvement to the design of the Boardwalk Link;
- Reconfiguration of the primary circulation driveway through the creation of a new "Skiff Way";

- Arbour Way to be pedestrianized in Stage 3; and
- Relocation of the bus stop to adjacent to the Boardwalk and the library.

#### **4. THE ASSESSMENT REPORT**

The Department's assessment report identified the key issues for this application to be revision of the staging plan; urban design and built form; and traffic, access and parking. The report concluded that the proposed modifications to the approved project as amended by the PPR are reasonable and therefore the application is recommended for approval subject to conditions and an amended Statement of Commitments.

#### **5. MEETINGS**

Following a review of the Department's assessment report, the Commission met separately with the Department and the proponent to seek clarification on several issues. The following is a brief summary of the issues discussed in these meetings.

##### **5.1 Department of Planning and Infrastructure**

The Commission met with the Department on 10 October 2013. The discussion in the meeting focused on three key issues, namely, the Arbour Way, whether it should be retained as a visual link to the open space and water body; future assessment requirements for Stages 2 and 3, particularly street activation and setbacks for landscaping; and the proposed uses of the PAD sites.

##### **5.2 Proponent**

The Commission met with the proponent and its consultants on 14 October 2013. The proponent briefly outlined the history of the project. The meeting then focused its discussion on the following issues:

- The Arbour Walk:
  - Whether connection between Stage 1 and 2 is covered; and
  - The need for additional street activation to improve the pedestrian environment and safety of the walkway.
- Inconsistency between the drawings and plans.
- The new location and proposed management of the Stage 1 loading dock.
- Whether this application also sought approval of Stages 2 and 3.
- Justification for the proposed fast food site.

The proponent advised that at a meeting with Shoalhaven City Council, it had given a commitment to keep the Arbour Walk open to maintain the vista to the waterfront area. It undertook to provide the Commission:

- A set of plans and drawings that reflect such commitment and are consistent.
- Justification for the proposed fast food site; and
- Comments on the recommended conditions.

By letter dated 11 November 2013, the proponent provided a set of updated plans (Appendix 1) and comments on the recommended conditions. The Commission notes that the key changes to the plans include:

- The Arbour Way is to be maintained as a two way street connecting Moona Creek Road to the southern car park.

- The reference to a “fast food site” has been deleted and replaced with “future development site subject to separate development application”.

## **6. COMMISSION’S CONSIDERATION**

On 16 October 2013, the Commission received an email submission from the Vincentia Ratepayers and Residents Association objecting to the proposed modifications to the approved centre. The concerns key to the Association are:

- Visibility – the design fails to meet the non-visibility from roads and public lands requirement;
- Accessibility – the design does not adequately deal with connectivity with existing pedestrian and cycle routes.
- Public space – the proposal alienates public space and shifts the public space further away from the retail centre.
- Linkages – the original design was based around a “main street” concept with various walkways/board walks that linked to components of the centre. The linkages have been diminished to access roads and paths to and from the car parks or arcade through the centre of a generic shopping mall.

Following careful consideration of the available information, the key considerations for the Commission were:

### **The Arbour Way**

According to the plans in the assessment report Stages 1 and 2 are connected with a cover over the Arbour Way. This design obstructs both the view corridor proposed to the water body and open space, and free-flowing pedestrian and cycle movement. The updated plans provided by the proponent on 11 November 2013 propose Arbour Way to be open as a two way, per the proponent’s commitment to Council, with a pedestrian crossing at the entrances to Stages 1 and 2.

The Commission agrees that the Arbour Way should be kept open to maintain the view corridor to the water front open space. It supports a share-zone between the entry/exit of the loading dock and the waterfront in Stage 3 to improve the quality and amenity of the outdoor environment for both pedestrians and shoppers. This will also require greater activation of the building frontages of Stage 2 to improve pedestrian safety and experience.

### **Links between retail components and open space**

One of the key design concepts is the connection between the town centre and the open space. Although the town centre design in this application retains the connections, they are narrow and can be substantially improved to provide a more visible, safer and more attractive environment for pedestrians and shoppers. The pathway connecting Stage 1 with the library is a case in point. The path should be wider with more landscaping on either side. This can be easily achieved by deleting one row of parking spaces and relocating these spaces to the ‘future development site’ (PAD2).

Similarly, the Arbour Way link between Stage 1 and the waterfront area should be widened by deleting a row of parking spaces, and landscaping enhanced. An amendment plan to reflect these changes shall be submitted to the Director General for approval prior to the

issue of the first construction certificate. A condition is included in the approval to reflect such requirement.

### **The 'Future Development Sites' (PAD sites)**

The application includes 2 PAD sites. The first one (PAD1) is located near the intersection of Moona Creek Road and Naval College Road and identified for a petrol station. The second one (PAD2) is located at the south-western end of the Stage 1 car park fronting Naval College Road and identified for a restaurant/fast food site.

Council objected to the location of the 2 PAD sites as they create the potential for ribbon development along the Naval College Road. The community strongly objected to the PAD site for restaurant/fast food as it is isolated from the town centre and contrary to the original design concept of a food hall and alfresco eating area connecting to the Village Green. Further that a drive-through fast food outlet will provide a narrow variety of food not supportive of the health and well-being of children from adjacent schools.

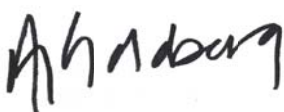
At the meeting with the proponent, the Commission informed the proponent that it required stronger justification for a fast food outlet. In response, the proponent requested that the 2 PAD sites be identified as "future development site subject to separate development application".

The Commission considers it reasonable to allow the PAD1 to be identified as future development site as its location may be suitable for a petrol station for local residents and the travelling public. However, it does not support PAD2 as it is isolated from the main town centre. The Commission agrees with Council that this will create the potential for ribbon development, particularly given there are already 2 PAD sites approved in the concept plan in Stage 4, and acknowledges community concern in this regard.

As discussed in the earlier section, this site should be used to provide a deeper landscaped area along Naval College Road, and parking spaces to replace those lost due to the widening of the pedestrian connections between Stage 1 and the library/waterfront area. An amendment plan to reflect this should be submitted to the Director General for approval prior to the issue of the first construction certification.

## **7. COMMISSION'S DETERMINATION**

The Commission has carefully considered the information available including the assessment report and submissions made by the Council, agencies and the public, and generally agrees with the Department's conclusions and recommendation for approval subject to conditions. As such, the application is approved as recommended subject to the amendments discussed above. The Commission has also made minor edits to the recommended conditions to clarify their intent and ensure consistency. Appendix 2 documents the approval conditions.



Abigail Goldberg

**Member of the Commission**

**Appendix 1**  
**Updated Plans submitted on 11 November 2013**

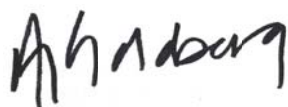
## **Appendix 2**

### **Instrument of Approval**

# 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, approves the modification of the project approval referred to in schedule 1, subject to the conditions in schedule 2.



Abigail Goldberg  
Member of the Commission

Sydney

18 November 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 21,801m<sup>2</sup> of gross floor area, comprising 18,959m<sup>2</sup> 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 481m<sup>2</sup> of commercial gross floor area, centre management and amenities, and 2,361 m<sup>2</sup> of enclosed walkways;
- Stage 1B having approximately 1,714 m<sup>2</sup> of gross floor area comprising only speciality retail outlets, and 517m<sup>2</sup> of enclosed walkways;
- Stage 2 having approximately 10,212 m<sup>2</sup> of gross floor area comprising 7,737 m<sup>2</sup> of retail gross floor area including a supermarket, a mini/major and speciality shops, and 932m<sup>2</sup> of commercial gross floor area, amenities and 1,543 m<sup>2</sup> 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 Stages 2 and 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:

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

### SCHEDULE 2

- 2) Delete Condition 1.1(1) and replace with new Condition 1.1(1) as follows:

- 1.1(1) Project approval is granted for the construction of the Vincentia District Centre in three stages as follows:
- a) Stage 1 having 11,372m<sup>2</sup> of gross floor area comprised of the following:
    - i) Woolworths supermarket with associated liquor (4,187m<sup>2</sup>)
    - ii) Aldi supermarket (1,396m<sup>2</sup>)
    - iii) Specialty retail and commercial (2,931m<sup>2</sup>)
    - iv) Mini/major retail outlets (1,117m<sup>2</sup>)
    - v) Amenities (130m<sup>2</sup>)
    - vi) Arcade (1,611m<sup>2</sup>)
  - b) Stage 2 having 11,257m<sup>2</sup> of gross floor area comprised of the following:
    - i) Discount department store (Big W) (7,780m<sup>2</sup>)
    - ii) Specialty retail (2,145m<sup>2</sup>)
    - iii) Arcade (1,189m<sup>2</sup>)
    - iv) Mini/major retail outlets (143m<sup>2</sup>)
  - c) Stage 3 having 7,042m<sup>2</sup> of gross floor area comprised of bulky goods/retail including Library (1,400m<sup>2</sup> for the library);
  - 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) 522 retail spaces in Stage 1
    - ii) 221 retail spaces in Stage 2
    - iii) 440 retail spaces and 58 library 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 the area identified as 'Future Development Site' (identified as PAD1) located adjacent to the intersection of The Moona Creek Road and Naval College Road on the Phasing Plan, Drawing No. DA0103 Rev BB, undated, prepared by Scott

Carver. Any development on this part of the site is to be the subject of a separate application.

The area identified as 'Future Development Site' (known as PAD2) located adjacent to Naval College Road at the south-west corner of the Stage 1 car park shall be deleted.

3. The retail tenancies facing Moona Creek Road in Stage 1, as shown on the Phasing Plan, Drawing No DA 0103 Revision BB, are modified to allow for commercial or retail tenancies.

- 3) Amend Condition 1.1(2) and 1.1(3) as follows:

Delete "Drawing No. DA 0103 Rev Z" and replace it with "Drawing No. DA 0103 Rev BB".

- 4) 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 17<sup>th</sup> June 2013', Statement of Commitments dated 30 August 2013 and the following drawings:

<b>Architectural Drawings prepared by Scott Carver</b>			
<b>Drawing No</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA 1202	X	Plan Stage 1 North East	Undated
DA 0103	Z	Phasing Plan	Undated
DA 0104	D	Stage 1 Plan	Undated
DA 1202	X	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 1503	A	Elevations and Finishes – Sheet 3	Undated
DA 1504	A	Elevations and Finishes – Sheet 4	Undated
DA 1505	A	Elevations and Finishes – Sheet 5	Undated
DA 1900	B	GFA Calculation Sheet	Undated
SCH 02		Schedule of Exterior Finishes	31/10/2012
<b>Landscape Plan prepared by Scott Carver</b>			
-	-	Stage 1 Landscape Masterplan	Undated

DA 01	A	Vincentia District Centre	Undated
DA 02	A	Vincentia District Centre	Undated
<b>Civil Drawings prepared by Cardno Forbes Rigby</b>			
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.

Amendment plan(s) shall be submitted to the Director General for approval prior to the issue of the first construction certificate. The amendment plan(s) shall show:

- the deletion of the 'future development site' (identified as PAD2) (in stage 1 fronting the Naval College Road) and replace it with additional landscaping area and parking spaces;
- the widening of pedestrian connections with appropriate landscaping between Stage 1 and the library, and between Arbour Way and the waterfront;
- the Arbour Way between the entry/exit of the Stage 1 loading area and the water front is a share-zone in Stage 3.

5) Amend Condition 2.1 as follows:

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

6) Delete Condition 2.5

7) Amend Condition 2.10 as follows:

- 2.10 Landscaping works associated with each stage (as shown in documentation referenced in condition 1.2 of this approval) shall be completed prior to the issue of the occupation certificate for that stage of the District Centre.

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

- 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.

9) Amend Condition 2.12 as follows:

- Delete the word "RTA" and replace with the word "RMS"

10) Amend Condition 2.12A as follows:

- Delete the words "Integral Energy's policy MMI0013" and replace with the words "Endeavour Energy's policy"

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

- 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

12) Delete Condition 2.14 and replace with new Condition 2.14(a) and 2.14(b) as follows:

- 2.14 Bay and basin Leisure Centre Access Road
- (a) Construction of the Bay and Basin Leisure Centre access road shall commence within 2 months of receipt of the relevant 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.

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

- 2.15 The Wool Road
- Left in/left out access to the District Centre site from The Wool Road, as shown on the Phasing Plan, Drawing No.DA0103 Revision BB, 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.

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

- 2.16 Naval College Road
- (a) Detailed design of the road upgrade works to Naval College Road shall be approved by Council prior to the issue of the relevant 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 the relevant 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.

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

- 2.16A Moona Creek Road
- (a) Detailed design of the road upgrade works to Moona Creek Road shall be submitted to council for approval prior to the issue of the relevant 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.

16) Amend Condition 2.21 as follows:

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

17) Amend Condition 2.24 to read as follows:

- 2.24 A minimum of 12 car and trailer car parking spaces are to be constructed as part of Stage 1. Those in Moon Creek Road are to be located, line marked and signposted to the satisfaction of Shoalhaven City Council while those within the Stage 1 car park are to be to the satisfaction of the PCA. Each of these car and trailer spaces may be counted as two car parking spaces for the purpose of compliance with condition 1.1(f).

18) Amend Condition 2.25 to read as follows:

- 2.25 A minimum of 2 car parking bays within the Stage 1 car park are to be identified as short stay pick-up/drop-off car parking bays. These are to be identified in the relevant Construction Certificate documentation and permanently located in the Stage 1 car park.

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

- 2.26 The Loading Docks
- (a) 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 the relevant 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.
  - (b) A Loading Dock Management Plan (LDMP) shall be prepared in consultation with the Shoalhaven City Council for the management of all deliveries to the proposed loading dock in Stage 1. A copy of the plan shall be submitted to the Council prior to the issue of the first Occupation Certificate.

20) Amend Condition 2.31 to read as follows:

- 2.31 A wetlands maintenance and management manual shall be submitted for the Director General's approval prior to the issue of the first Stage 1 Construction Certificate. A copy of the approved manual shall be provided to Shoalhaven City Council for information. An annual monitoring and maintenance report shall be submitted to the Department and a copy provided to Council for information to ensure regular monitoring and maintenance of sediment quality and the safe handling and removal of sediments from the sedimentation pond and wetlands. The first annual monitoring and maintenance report shall be submitted one year after the issue of the first Occupation Certificate of Stage 1.

21) Amend Condition 2.32 as follows:

Immediately after the words "Stage 2" insert the words "and 3"

22) Amend Condition 2.33 as follows:

Delete the words "Stage 1" in the third paragraph and replace with "each stage"

23) Amend Condition 2.36 as follows:

Delete clause (a) and (b)

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

- 2.41 Advertising signage
- (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.

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

- 2.43 Library Space in Stage 2
- The lease of the 1,400m<sup>2</sup> 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 3 of the project. Should Council advise the proponent in writing of their intention not to occupy this space, it may be leased to another tenant.

26) Amend Condition 2.44 to read as follows:

- 2.44 There is to be no right turn from the Skiff Way onto Moona Creek Road. This is to be reflected in the Construction Certificate for each stage of the District Centre and the Moona Creek Road design plans.

27) Delete Condition 2.45

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

- 2.45 Water Quality
- (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.
- 2.46 Access of bulky goods retail precinct loading dock (Stage 3)
- (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 issue of the relevant Construction Certificate for Stage 3.
  - (b) The works are to be completed prior to the issue of an Occupation Certificate for Stage 3.
- 2.47 Bus and coach provisions
- 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.
- 2.48 Stormwater Management
- 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.

2.49 Level of service of roundabout and priority intersections  
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.

2.50 Crash Data Analysis  
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.