

14 July 2014

Our ref: 214.203L2

Secretary
Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000



TOWN PLANNING
AND URBAN DESIGN

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

MINOR MODIFICATION OF MAJOR PROJECT APPLICATION NO.
06_0025 (MOD 5) – VINCENTIA DISTRICT TOWN CENTRE –
"MODIFICATION 6"**

Dear Sir/Madam,

1.0 INTRODUCTION

This letter has been prepared on behalf of Woolworths Limited, to request the Department of Planning and Environment accept a Modification of Major Project Application No. 06_0025 as follows:

1. The proponent seeks to revise the staging of Stage 1 with the implementation of Stages 1a and 1b by:
 - a. deferring of the two (2) specialty shop tenancies at the Moona Creek Road frontage to Stage 1b;
 - b. deferring the angled parking spaces along Moona Creek Road to Stage 1b;
 - c. reducing the extent of the portion of Arbour Way not immediately required for the loading dock access to Stage 2;
 - d. Reducing the amount of car spaces in Parking Area 4 and Parking Area 3 and associated reconfiguration as follows:
 - i. Merging the car parks into one to form one consolidated 'western car park', with a reduction of the total car spaces of the separated car parks from 274 spaces to 218 spaces by deferring 56 spaces to a later time (these deferred spaces are to be included as part of a separate DA process for Pad Site 2).

The Modification 6 will still ensure that the provision of car parking in Stages 1a and 1b is compliant with the requirements of the DCP;

2. The proponent seeks to rationalise the loading docks manoeuvring area to that required by swept paths by decreasing the portion of excavation along Moona Creek Road.
3. The proponent seeks to relocate the proposed bus stop from the southernmost portion of Skiff Way to the area immediately adjacent to the proposed building on Skiff Way (in front of Tenancy 4).
4. The proponent seeks to remove all proposed landscape swales in the car parking area and replace with an equivalent solution being a Gross Pollutant Trap (GPT).

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5. The proponent seeks minor internal changes associated with the opening of the proposed Woolworths supermarket and the position of specialty shops.
6. The proponent seeks to divide the combined entry/exit from Skiff Way to Pad Site 1 into a separate entry and exit. The access to from Parking Area 4 to Pad Site 1 is also proposed to be removed. .
7. The proponent seeks minor changes to the pedestrian pathway layout of the development, in particular the deletion of the pathway from Moona Creek Road on the western side of Skiff Way to the north-east corner of the western car park (adjacent to Pad Site 1 – Petrol).



This letter constitutes the proponent's request under the *Environmental Planning and Assessment Act 1979* (as amended) (EP&A Act) to seek the modification of Major Project Application No. 06_0025 (Mod 5) – Vincentia District Centre (VDC). The VDC is located within the Vincentia Coastal Village (VCV) but is subject to a separate approval process to the VCV. It is noted that the subject site was included at Part 29 of Schedule 3 of the former *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP).

Therefore, the proponent seeks the modification of Conditions 1.1 and 2.1 as follows (shown with strike-through and bold for changes):

Development Description

1.1 (1) Project approval is granted for the construction of the Vincentia District Town Centre in ~~three~~ **the** stages as follows:

a) Stage 1a having ~~44,372m²~~ **11,053m²** 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 (~~2,931m²~~ **2,606m²**)
- iv) Mini/major retail outlets (~~4,117m²~~ **1,111m²**)
- v) Amenities (~~430m²~~ **241m²**)
- vi) Arcade (~~4,641m²~~ **1,512m²**)

b) Stage 1b having 500m² of gross floor area comprised of two (2) specialty stores at the Moona Creek Road frontage 250m² each

~~bc)~~ Stage 2 having ~~44,257m²~~ **12,834m²** of gross floor area comprised of the following:

- i) Discount department store (Big W) (7,780m²)
- ii) Specialty retail (~~2,145m²~~ **1,997m²**)
- iii) Arcade (~~4,189m²~~ **1,797m²**)
- iv) Mini/major retail outlets (~~443m²~~ **1,260m²**)

~~ed)~~ Stage 3 having ~~7,042m²~~ **6,902m²** gross floor area comprised of bulky goods/retail including Library (1,400m² for the library);

~~de)~~ Site preparation works (including earthworks and vegetation clearing) associated with all stages;

~~ef)~~ Subdivision to create a 12.16 ha lot upon which the District Centre will be constructed;

~~fg)~~ The provision of loading docks, trolley storage and car parking spaces as follows:

- i) ~~522~~ **434** retail spaces in Stage 1a
- ii) **25 Moona Creek Road spaces in Stage 1b**
- iii) ~~221 retail spaces in Stage 2~~ **883 retail spaces in Stage 2 and 3**

~~iii) 440 retail spaces and 58 library spaces in Stage 3~~

~~gh) Provision of infrastructure for water, sewerage, electricity and telecommunications;~~

~~hi) Water sensitive urban design; and~~

~~ij) 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 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 DA0103 Revision BB, are modified to allow for commercial or retail tenancies.

And Condition 2.1 amended 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 – 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 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_0025 – 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
- h) As amended by the Environmental Assessment for Major Project Application No. 06_0025 – Vincentia District Centre – Modification 6 dated July 2014 prepared by The Planning Group and associated revised modification documentation, and the following drawings**

Architectural Drawings prepared by Scott Carver			
Drawing No	Revision	Name of Plan	Date
DA 1202	XY	Plan Stage 1 North East	Undated 10/7/2014
DA 0103	ZAA	Phasing Plan	Undated





Architectural Drawings prepared by Scott Carver			
			10/7/2014
DA 0104	DE	Stage 1 Plan	Undated 10/7/2014
DA 1202	X	Plan Stage 1 – North East	Undated
DA 1501	KL	Elevations and Finishes – Sheet 1	Undated 10/7/2014
DA 1502	IJ	Elevations and Finishes – Sheet 2	Undated 10/7/2014
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	BC	GFA Calculation Sheet	Undated 10/7/2014
SCH 02	B	Schedule of Exterior Finishes	31/10/2012 7/7/2014
Landscape Plan prepared by Scott Carver			
Drawing No	Revision	Name of Plan	Date
-DD000	-	Stage 1 Landscape Masterplan Landscape Package	Undated 8/7/2014
DA 01 DD001	AB	Vincentia District Centre Landscape Plan	Undated 8/7/2014
DA 02 DD002	AB	Vincentia District Centre Landscape Planting Palette	Undated 8/7/2014
DD003	B	Typical Section – Moona Road - Development	8/7/2014
DD004	B	Typical Section – Pond - Carpark	8/7/2014
DD005	B	Typical Swale Section	8/7/2014
DD006	B	Typical Bridge – Pedestrian/Cycle Section	8/7/2014
Civil Drawings prepared by Cardno Forbes Rigby			
Drawing No	Revision	Name of Plan	Date
1000	1	BBLC Access Concept Plan	26/06/13

Architectural Drawings prepared by Scott Carver			
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.

No changes are proposed to the Statement of Commitments.



2.0 AMENDMENT TO THE APPROVED PROJECT APPLICATION UNDER THE FORMER PART 3A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

2.1 Modification of Part 3A Approval

It is considered that the provisions of Section 75W of the EP&A Act apply to the proposed modification based on the provisions of Schedule 6A Transitional Arrangements – Repeal of Part 3A of the EP&A Act, which states:

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

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

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

8J Transitional provisions

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

- (a) a development consent granted by the Minister under section 100A or 101 of the Act,*
- (b) a development consent granted by the Minister under State Environmental Planning Policy No 34—Major Employment-Generating Industrial Development,*
- (c) a development consent granted by the Minister under Part 4 of the Act (relating to State significant development) before 1 August 2005 or under clause 89 of Schedule 6 to the Act,*
- (d) a development consent granted by the Land and Environment Court, if the original consent authority was the Minister and the consent was of a kind referred to in paragraph (c).*

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

The proposed development has been approved under the former Part 3A provisions of the EP&A Act, and this request is submitted for consideration under Section 75W of the EP&A Act. Section 75W of the EP&A Act enables an approved Project Application to be modified, based on the following:

75W Modification of Minister's approval

(1) In this section:

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

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

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
 - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment*



requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
 - (a) an approval granted by or as directed by the Court on appeal, or
 - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.
- (7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

It is considered that the provisions of Section 75W of the EP&A Act could be exercised in this instance to modify the approved Project Application Modification 5, based on the following:

1. If approved, the modification will not radically alter the development from its approved form. The footprint of the development is considered to be entirely consistent with the view formed by the Department in the consideration of Modifications 2, 3, 4 and 5. Refer to **Appendix A amended architectural drawings** and **Appendix B amended landscape drawings**;
2. The nature of the changes are not dissimilar to the recently approved Modification 5 and could in fact be considered a down-sizing of Stage 1 into Stages 1a and 1b to enable a neighbourhood centre initially, followed by its growth into a sub-regional centre over time as the population increases; and
3. The nature of the proposed changes relate to adjustments in the staging so as to tune the development outcome to meet market expectations. More specifically, the nature of the changes sought seeks to modify Condition 1.1 of the Instrument of Approval.

It is also noted that the previous approvals met the criteria specified in Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and were triggered by Clause 6. The amendment to the approved Project Application Modification 5 seeks to maintain similar Staging but with Stage 1a having less floor area compared to the recently approved Modifications for Stage 1.

2.2 Reasons for this Modification

The proponent seeks to change Modification 5 based for the following reasons:

1. Since Woolworths acquired the VDC site in 2009 and commenced the process for the various modifications with the Department to obtain approval to deliver a centre which is both feasible and successful, including the last modification in November 2013, Woolworths and its business units have evaluated the ABS 2011 Census data which indicates residential population growth in this location in NSW has failed to meet forecasted growth. Further since the last modification, sales growth of the nearby residential subdivision has failed to meet expectations. The Census data demonstrates that population growth has not occurred in the locality and accordingly the design is being altered to enable Fabco to deliver a more suitably sized centre to support the existing population and allow for this centre to grow in line with the potential residential population growth;



2. The changes sought are as a result of feedback from the market, with the overall development still meeting the urban design intent of the original design excellence process;
3. Since the overall Vincentia Coastal Village (VCV) approval, the design of Moona Creek Road as originally conceived has changed in that the residential subdivision has been modified (by the other proponent Stockland for the VCV) such that the residential properties do not orientate their primary street frontage towards Moona Creek Road but rather their side fences front Moona Creek Road. Refer to Figure 1 as follows demonstrates the side boundaries of the residential properties to Moona Creek Road:



Figure 1: Site Aerial Source: Near Maps

The original concept for Moona Creek Road was to achieve a “dual fronted” street, where one side of the street is residential frontages and the other retail. The original intent for both sides of the street can no longer be achieved, whereas the proposed modification will still enable the creation of a frontage of shops to activate the Moona Creek Road frontage in accordance with the original Design Competition and Modification 5, however Fabcot seeks deferment of this floor space to Stage 1b so as to ensure that the centre when opened in November 2015 does not have any vacant shops.

As the Department and Council are aware, the centre has been proposed for a considerable period of time, however the retail market has changed rapidly over the last 5 years and the population growth has slowed which means the success of the centre at its opening needs to be ensured and to demonstrate this success vacant shops are to be avoided.



Therefore, as the population increases and demand for additional retail floor space occurs over time so too the proposed shops to Moona Creek Road have capacity to be delivered with this organic growth, however in the initial stage for the centre a market does not exist to the Moona Creek Road frontage for the floor space and therefore this has been deferred to stage 1b.

4. In addition, Woolworths have costed the major road infrastructure since the last modification and are committed to the delivery of these roads in partnership with Stockland, however overtime these costs have escalated such that the initial centre when complete needs to be very successful in order to off-set these costs. To achieve a successful centre at it opening Woolworths have worked with their leasing partners have advised vacant shops may occur at the Moona Creek Road as there would be an initial oversupply of floor space. Therefore, stages 1a and 1b are now proposed as part of Modification 6;
5. The design changes can be managed such that Ecologically Sustainable Development (ESD) objectives will be maintained.

3.0 ENVIRONMENTAL ASSESSMENT

This letter also provides a Preliminary Environmental Assessment (PEA) prepared by The Planning Group NSW Pty Ltd (TPG NSW) on behalf of Fabcot, to request under Section 75W of the EP&A Act the modification of the MP 06_0025 Project Approval granted for the VDC – referred to as ‘Modification 6’ throughout this letter.

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

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

3.1 The Site and Locality

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

The site of the VDC is legally described as follows:

- Lot 177 DP 1123782;
- Lot 801 DP 1022286;
- Lots 2 and 3 DP 1118806; and
- Lots 72 and 73 DP 874040.

3.2 History of Approvals

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

Table 1: History of planning approvals

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





Date:	Planning Approval:
2009	Modification to the Concept Plan and Project Approval for Vincentia Coastal Village to: make changes to Design Essentials - a guide to building your home at Bayswood; and to amend references to the Design Essentials document in the Instrument of Approval.
14 November 2008	<p>Site of Coastal Village and District Centre inserted into Schedule 3 to the State Environmental Planning Policy (Major Projects) 2005 as a State Significant Site.</p> <p>The planning regime for the site is now Part 29 of Schedule 3 to State Environmental Planning Policy (Major Projects) 2005.</p>
7 January 2009	<p>Vincentia District Centre (VDC) Stage 1 Project Approval</p> <p>Project Approval MP 06_0025 under Part 3A for development of Stage 1 of the Vincentia District Town Centre, is described as follows:</p> <p><i>(a) site preparation works (including earthworks and vegetation clearing) with the Stage 1,</i></p> <p><i>(b) subdivision to create a 12.24 ha Lot upon which the District Centre will be constructed,</i></p> <p><i>(c) approximately 14,000m² of floor area, comprising 10,000m² of retail space (including two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets) and 4,000m² of commercial/community space (including a library, centre management, amenities and commercial/community tenancies),</i></p> <p><i>(d) fit out and occupation of the Woolworths, Big W and Aldi supermarkets,</i></p> <p><i>(e) roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas),</i></p> <p><i>(f) 683 car parking spaces, two loading docks and trolley storage,</i></p> <p><i>(g) provision of infrastructure for water, sewerage, electricity and telecommunications,</i></p> <p><i>(h) water sensitive urban design, and</i></p> <p><i>(i) associated works.</i></p>
10 April 2009	<p>Modification 1</p> <p>Vincentia District Town Centre – deletion of conditions 2.17 and 2.18</p>
2009, 2010 and 2011	Various Modifications to the VCV.
15 March 2011	<p>Modification 2</p> <p>Vincentia District Town Centre</p>
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.



Date:	Planning Approval:
8 August 2011	Modification 3 approved by Planning Assessment Commission for VDC with gross floor area of 36,988 square metres.
17 April 2012	Modification 4 approved by Department of Planning and Infrastructure to amend the mall width and other minor built form design changes.
18 November 2013	PAC grants approval to Modification 5 which amended project staging and minor design changes to the VDC to Fabcot.
16 May 2014	Department of Planning and Environment grants approval to Modification 14 for the VCV to Stockland.

3.3 Proposed Modification

The proposed Modification 6 seeks approval for the development as shown in the drawings included at **Appendices A and B**.

3.4 Consistency with the Concept Approval, Project Application and Modification 5

The principal elements of the VDC as proposed in Modification 6 are unchanged from that which was approved by the Minister when the Concept Plan, Project Application and Modifications 2, 3, 4 and 5 were granted development consent.

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

The Department of Planning and the Minister for Planning will recall that “Modification A4” to Schedule 2 of the Concept Plan approval required Stockland to undertake a design excellence competition for the VDC. The outcome of the design competition was a modified layout and staging for the VDC, however the principal elements of the VDC remain unchanged from the approved Concept Plan. The fully developed VDC as shown in Modification 6 will occupy the same footprint as that approved in Modification 5 and includes ESD measures including stormwater management as that in Modification 5 with the exception of the use of swales being replaced by a GPT.

4.0 ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

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

4.1 Commonwealth Matters

There are no new assessable considerations under the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act).

4.2 State and Local Matters

The total floor area of the proposed development will be within the Mod 3 approval of up to 37,000 square metres, and the initial Stage 1a will have a floor area of some 11,372 square metres.

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

5.0 ENVIRONMENTAL ASSESSMENT CONSIDERATIONS

5.1 Concept Plan

The modified design is consistent with the original approved Concept Plan and Project Application staging. This can be confirmed with a Design Statement prepared by the architects to form part of the formal Environmental Assessment for

Modification 5. Given the proposed changes are minor no further design statement has been prepared with Modification 6.

5.2 Traffic Impacts

No impacts will occur as a result of the proposed changes in Modification 6 when compared to the approved design in Modification 5 in relation to traffic impacts. A new traffic study has been undertaken by Colston Budd Hunt and Kafes which indicates that trip rates/car movements are the same as 2006 levels of Modification 5 which will not be altered by Modification 6.

5.3 Social Impacts

No changes are proposed in Modification 6 when compared to the approved design in Modification 5 in relation to social impacts.

5.4 Noise and Light Impacts

No changes are proposed in Modification 6 when compared to the approved design in Modification 5 in relation to noise and lighting impacts.





5.5 Water Quality and Waste Management

No changes are proposed in Modification 6 when compared to the approved design in Modification 5 in relation to water quality and waste management impacts.

5.6 Adjoining Land

Potential impacts on adjoining land were investigated with the original Project Application and Modifications 2, 3, 4 and 5. The changes proposed in Modification 6 do not alter the matters which were assessed as acceptable in the previous applications.

5.7 Utilities and infrastructure

As part of the Project Application for the VDC, Cardno Forbes Rigby prepared a detailed Utility Services and Infrastructure Report. The proposed modification does seek changes to the timing of road infrastructure in line with the size and growth of the centre.

5.8 Flora and Fauna

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

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

5.9 Natural Hazards

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

5.10 Heritage

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

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

5.11 ESD

No changes are proposed in Modification 6 when compared to the approved design in Modification 5 in relation to ESD considerations other than the inclusion of a GPT when compared to open swales.

6.0 CONCLUSION

This Environmental Assessment (EA) details the changes sought to Modification 5 and has assessed the changes as satisfactory under Section 75W of the EP& A Act (as amended).

The proponent has had discussions with Shoalhaven City Council and the Vincentia Ratepayers Association. The proponent respectfully requests that the Secretary-General process this request as soon as possible.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444 or 0488 221 082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD



Marian Higgins
(Director)



APPENDIX A – AMENDED ARCHITECTURAL DRAWINGS



**APPENDIX B – AMENDED LANDSCAPE
DRAWINGS**

