



20 November 2012
Our Ref: 6376B.36DK

The Director-General
Department of Planning and Infrastructure
GPO Box 39
Sydney 2000

Attention: Roy Wong

Dear Sir

Section 75W Modification of Concept Plan Approval (MP06_0060) and Project Approval (MP06_0058) – Modification No. 13 - Pedestrian/cycleway underpass

Vincentia Coastal Village & District Centre, Corner of Wool Road and Naval College Road, Vincentia

1.0 Introduction

A combined Concept Plan and Project application was approved by the Minister for Planning on 25 January 2007, and has been modified under Section 75W on a number of occasions. The Concept Plan and Project approvals were last modified on 3 May 2012 (Modification No 12).

Schedule 6A of the Environmental Planning and Assessment Act (EP&A), 1979 sets out the transitional arrangements for the repeal of Part 3A of the EP&A Act. Clause 2 – Transitional Part 3A projects defines transitional Part 3A projects as follows:

- 2 (1) *The following are, subject to this Schedule, **transitional Part 3A projects**:*
- (a) *an approved project (whether approved before or after the repeal of Part 3A),*
 - (b) *a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*

In this instance both the Concept Plan and Project applications were approved prior to the repeal of Part 3A and are therefore transitional Part 3A projects.

Clause 3 of Schedule 6A provides that “*Part 3A of this Act (as in force immediately before the repeal of that Part and as modified under this Schedule after that repeal) continues to apply to and in respect of a transitional Part 3A project.*” The repealed provisions of Part 3A continue to apply to the Concept Plan and Project approvals, which includes section 75W dealing with modifications of approvals.

The proposal the subject of this s.75W modification application (Modification No 13) detailed herein seeks the Minister’s consent to modify Statement of Commitment No. 59 of the Concept Plan Approval (MP 06_0060) and Project Approval (MP06_0058) that relate to the Vincentia Coastal Village & District Centre development.



The purpose of the s.75W modification is to replace the Statement of Commitment relating to the provision of a pedestrian/cycleway underpass at Naval College Road with a mid-block signalised pedestrian crossing across Naval College Road.

2.0 Summary of Proposed Modification

The *Residential Approval* contains the following Statement of Commitment (No. 59):

Stockland will design and construct the Naval College Road pedestrian/cycleway underpass with a 50% contribution from Council as a Section 94 offset in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006 and as modified in October 2006 as part of the Preferred Project Report.

It is proposed to amend this Commitment to replace the pedestrian/cycleway underpass with a mid-block signalised pedestrian crossing. The modified Statement of Commitment is proposed to read as follows (underlined text is replacement wording):

Stockland will design and construct the Naval College Road mid-block signalised pedestrian crossing with a 50% contribution from Council as Section 94 offset in accordance with Appendix B of the Don Fox Planning Report: Review of Developer Contributions and Associated Works Proposed Residential and Commercial Development Vincentia District Centre, February 2006 and as modified in October 2006 as part of the Preferred Project Report.

Attachment 2 contains a plan showing the proposed mid block signalised pedestrian crossing. Approval of the design is not sought as part of this s.75W modification. Approval for the design will be negotiated separately with Shoalhaven City Council (Council) and the Roads and Maritime Service (RMS).

3.0 Consultations

Roads and Maritime Services

The proposed replacement of the pedestrian/cycleway underpass with a mid-block signalised pedestrian crossing has been discussed with Council the RMS.

On 27 April 2012 a meeting was held between Stockland and the RMS regarding this proposal (details of which were provided to the RMS prior to the meeting). Following the meeting the RMS wrote to Stockland indicating its willingness to consider the proposed amendment and detailed its requirements in order to further assess the proposal. A copy of the RMS letter dated 1 May 2012 is included at **Attachment 1**. The additional information required by the RMS has been addressed through the following documents:

- conceptual drawings showing the mid-block signalised pedestrian crossing, including pedestrian desire lines and the proposed mid block pedestrian crossing (**Attachment 2**); and
- a Report on Pedestrian Usage and Traffic Impacts prepared by GTA Consultants (**Attachment 3**).

A further letter from the RMS to Council dated 8 June 2012 discusses much wider traffic matters for The Wool Road and Naval College Road (**Attachment 4**). This letter discusses other traffic related issues and preferred outcomes for traffic management and intersection treatments not relevant to the underpass or subject of this s.75W modification. The RMS notes that the traffic management and intersection treatments have been finalised through the



Concept Plan/Project Approval and unlikely to change. In such a circumstance the letter states that *“RMS would not object to mid-block traffic signals provided Council is satisfied that the proposed arrangements will adequately address pedestrian desire lines. The mid-block signals would need to be located at Council’s preferred location 50m to the north of the developer’s proposed location.”*

Shoalhaven City Council

Council wrote to the RMS on 19 June 2012 in response to the RMS letter of 8 June 2012. The letter relates to the Project Approval for the Vincentia District Centre (MP06_0025) and in particular the road network as well as the mid-block signals on Naval College Road. A copy of the Council’s letter is included at **Attachment 5**. The letter contains details about wider traffic matters that are not relevant to the subject s.75W modification. However, the letter does make reference to the mid-block intersection which is relevant to the subject s.75W modification. In particular the Council makes the following comments:

- Council notes that RMS does not object to a mid-block crossing on Naval College Road, and that the RMS supports Council’s view that it is moved 50m north to align with the main boardwalk through the District Centre car park.
- The proponent will need to submit a modification application to the DoPI and that a Works Authorisation Deed (WAD) for the mid-block intersection will follow.
- Council will defer further assessment of the road design plans (i.e. relating to wider traffic issues) as part of a coordinated set of Council/RMS design comments.
- The underpass requirement is also reflected in a development consent for the Anglican school, and that following approval of the proposed s.75W modification, there are consequential amendments required to the School’s consent (We note that this can occur outside of the s.75W process).

Council is not raising objection to the principle of the replacement of the underpass with a mid-block signalised pedestrian crossing. However, there are some design issues that will need to be worked through with Council (and the RMS). The detailed design considerations do not need to be resolved as part of the s.75W modification process. In effect the detailed design considerations need to occur for the underpass or the mid-block signalised pedestrian crossing. The proposed modification does not change the need for these discussions to take place or for WADs to be obtained.

Woolworths

Woolworths owns the land immediately adjacent to the underpass and proposed replacement mid-block signalised pedestrian crossing. Woolworths has written to Shoalhaven City Council on 20 June 2012 raising a number of issues relating to external road works. In that letter they have also requested that the pedestrian underpass be deleted. A copy of the letter from Woolworths to Council is included at **Attachment 6**.

Sydney Anglican Schools Corporation

The Sydney Anglican Schools Corporation has written a letter (dated 10 October 2012) to Stockland supporting the proposal to remove the pedestrian underpass and their “strong preference” for a crossing with the use of traffic lights. A copy of the Sydney Anglican Schools Corporation letter is included at **Attachment 7**. The Sydney Anglican Schools Corporation cites a number of reasons why they believe the underpass is not desirable, which, in summary, include:

- The Sydney Anglican Schools Corporation Student Safety Policy forbids students from using underpasses whilst children are in their care for personal safety reasons; and



- Vincentia Anglican College is a K-4 school and the students will be a up to 10 years old, and in the school's experience children of this age are usually driven to school by car, negating the need for an underpass.

4.0 Reasons For The Proposed Modification

Limited demand for the underpass

The underpass is proposed to pass under Naval College Road connecting the Vincentia District Centre with the western side of Naval College Road and the proposed Anglican School opposite. The Concept Plan Drawing 1250 at **Attachment 2** illustrates a pedestrian desire line and the connection between the District Centre and proposed school.

The Report on Pedestrian Usage and Traffic Impacts prepared by GTA Consultants (**Attachment 3**) has estimated pedestrian flows. The principal sources identified by GTA Consultants are the school and the shopping centre. In terms of the school, the current consent has approved 100 students with a masterplan for 130 students. Sydney Anglican Schools Corporation's experience is that only 1% of students in regional locations walk to school. GTA has however noted that the shopping centre opposite might combine a school drop off or pick up with a shopping trip resulting in parents parking in the shopping centre. This would result in an increase in pedestrian movements across Naval College Road. GTA Consultants estimates that there could be 10-15 pedestrian movements across Naval College Road before and after school. This is a low number of movements and the Sydney Anglican Schools Corporation letter (**Attachment 7**) states that they would actively discourage the use of the underpass (if constructed). The need for the underpass based on pedestrian movements generated by the school is low.

In terms of other users, GTA has considered the then RTA's guidelines in which surveys of regional shopping centres revealed that about 4% of generated trips to a shopping centre could be made by bicycle or on foot. However, only those trips originating south of the centre would use the underpass. Previous transport reports for the District Centre Project Application found that 40% of customers would originate from the south. Taking into account these variables, GTA Consultants has estimated that 38-55 pedestrians or cyclists per hour might walk/cycle to the centre from the south. GTA Consultants has estimated that likely peak pedestrian demand crossing Naval College Road would be 30 to 50 pedestrians per hour.

GTA Consultants then considered the Austroads Guide to Traffic Engineering Practice and Australian Standard AS 1742.2.10-2009 – Manual of Uniform Traffic Control Devices Part 10 Control and Protection to determine the most appropriate form of crossing based on pedestrian flows and traffic flows. Their assessment has concluded that a signalised intersection is the most appropriate solution.

We also note that the land on the western side of Naval College Road (i.e. opposite the district centre) is currently zoned Rural 1(a) and the range of permissible uses are limited and of a nature that would not change population density to a great extent. This land is proposed to be zoned RU2 – Rural Landscape under the exhibited version of draft Shoalhaven LEP 2009. The proposed future zoning would not see any significant change in the nature of future land uses that would significantly change the potential population density and therefore pedestrian movements.

Based on the above assessment we consider that the need for the underpass both now and in the future is low and that the mid-block signalised pedestrian crossing is the most appropriate solution that could still adequately and appropriately manage the pedestrian and cyclist movements.



Safety considerations

The Sydney Anglican Schools Corporation has expressed a strong concern about the safety risks associated with an underpass, particularly having regard to the school catering for students under the age of 10.

In addition to the Sydney Anglican Schools Corporation's specific concerns, the safety of the wider public must also be considered. Being an underpass there is no natural surveillance. If pedestrian volumes are low, then there is a correspondingly low level of activity and surveillance by other users of the underpass.

The low level of surveillance would also lend an underpass to vandalism, particularly graffiti that would ultimately increase maintenance costs for Council. The nature of the underpass itself might discourage its use, and if it was subject to graffiti then it could further discourage its use by pedestrians or cyclists.

For the above reasons, we consider that an underpass would not be in the public interest. By comparison, a mid-block signalised pedestrian crossing would remove these public safety issues.

5.0 Consistency with the Concept Plan and Project Approvals

The Transport Report dated January 2006, prepared by Masson Wilson Twiney (MWT) Traffic and Transport Consultants explains the origins of the underpass. An extract from their report is reproduced below.

"As discussed above, Shoalhaven Council has advised that applications are imminent to develop schools on either side of The Wool Road, south of Naval College Road/Jervis Bay Road. These will intensify pedestrian movements from these locations to/from the district centre. The Council has formulated a strategy to deal with these, incorporating a new set of traffic signals on The Wool Road that will facilitate vehicular access to one of the schools and provide a safe crossing of The Wool Road for pedestrians. The second part of the strategy involves continuation of the pedestrian route via an underpass beneath Naval College Road, north of The Wool Road. This measure is supported as long as the two schools and new traffic signals on The Wool Road also proceed and a continuous pedestrian route is provided, which will justify the need for the underpass."

Council in its submission to the Concept Plan/Project Application proposed the underpass in the event that the Anglican School proposal proceeds. The strategy was to provide an underpass beneath Naval College Road to connect the District Centre to the new school, then through or around the school to a new signalised pedestrian crossing of The Wool Road at the front of the school. Connectivity can still be achieved with the replacement of the underpass with the mid-block signalised pedestrian crossing (as illustrated on Drawing 1250 at **Attachment 2**).

At the time the Concept Plan and Project application was prepared, Statement of Commitment No. 59 was proposed to reflect Council's strategy. However, it is apparent from Stockland's consultations with Council and the RMS that there is no objection to the principle of the replacement of the underpass with a mid-block signalised pedestrian crossing.

In our opinion the modification remains consistent with the Concept Plan/Project Approval. The purpose of the underpass was to provide pedestrian and cycle connectivity in the locality/region. This outcome can still be achieved with the proposed mid-block signalised pedestrian crossing.



6.0 Summary and Conclusion

The proposed modification to the Concept Plan and Project approval is submitted in accordance with the now repealed provisions of s.75W of the Act to request that the Minister modify the Statement of Commitments forming part of the Concept Plan Approval (MP 06_0060) and the Project Approval (MP06_0058).

The proposal involves the modification of Statement of Commitment No. 59 to replace the pedestrian underpass with a mid-block signalised pedestrian crossing.

The Report on Pedestrian Usage and Traffic Implications attached to this letter has established that a signalised pedestrian crossing is an appropriate solution given the road speeds, estimated pedestrian volumes, future local schools and age of school students. There are also safety concerns with an underpass, which is of particular concern to the Sydney Anglican Schools Corporation who has stated that they would forbid their students from using such an underpass.

We have also established that the replacement of the underpass with a mid-block signalised pedestrian crossing maintains the pedestrian and cycle connectivity in the locality and therefore retains consistency with the original approvals.

We therefore recommend that Statement of Commitment No.59 is amended as set out in this letter. Should you have any questions in relation to this application please do not hesitate to contact David Kettle on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LIMITED

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DAVID KETTLE
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Reviewed: _____

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- Attachments:
1. Letter from RMS to Stockland dated 1 May 2012
 2. Mid-block pedestrian crossing concept and desire lines
 3. GTA Consultants Report on Pedestrian Usage and Traffic Implications
 4. Letter from RMS to Council dated 8 June 2012
 5. Letter from Council to RMS dated 19 June 2012
 6. Letter from Woolworths Limited to Council dated 20 June 2012
 7. Letter from Sydney Anglican Schools Corporation to Stockland dated 10 October 2012