



10 January 2013
Our Ref: 6376B.38DK

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

Attention: Ben Lusher

Dear Ben,

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

We refer to the above Section 75W modification currently being assessed by the Department of Planning & Infrastructure. We have been provided with copies of submissions from Shoalhaven City Council (Council), the Roads and Maritime Service (RMS) and the Vincentia Ratepayers and Residents Association (VRRRA) following the notification of the application.

This letter provides a response to the issues raised in those letters.

1.0 Shoalhaven City Council

We note that Council in its conclusion states that they do not object in principle, however, Council raises two issues of relevance to the application.

(i) Further Amendment to Statement of Commitment No. 59

Council submission suggests that Statement of Commitment No. 59 should be further amended to remove the words *“with a 50% contribution from Council as Section 94 offset....”* and insert *“with a percentage contribution from the Anglican Schools Corporation as agreed between Stockland and the Anglican Schools Corporation....”*

The suggested amendment would result in the Concept Plan/Project approvals imposing an obligation upon the school to pay a contribution.

The school is not acting upon the Concept Plan or Project approval and in our opinion the Concept Plan/Project Approvals cannot impose a s.94 obligation on another land owner. The 50% contribution from the school (or other person developing that land) is best managed by way of Council recouping the 50% when the land on the opposite side of Naval College Road is developed. This methodology is unchanged with the subject s.75W Modification, and accordingly we do not agree with the Council's recommendation that Statement of Commitment No. 59 needs to be further amended to require a percentage contribution from the school.

The s.75W modification is proposing a modification to Statement of Commitment No. 59 simply to replace the underpass with the proposed mid block signalised pedestrian crossing. No



change in the apportionment of the funding of the design and construction is proposed, and in our opinion is not necessary for the reasons discussed below.

The “*Review Of Developer Contributions & Associated Works Proposed Residential & Commercial Development Vincentia District Centre 2006*” (updated October 2006) forms part of the Project approval. The comments column at page 28 of the document states as follows:

*“It is suggested that **Stockland construct and obtain Section 94 credit. Estimated cost is \$250,000 and therefore credit would equal \$125,000.** Estimated construction costs should be reviewed subsequent to confirming Council and RTA requirements to determine actual credit owing. Council should amend Section 94 Plan or enter some other form of agreement with school to recoup balance.”*

The value of the works was estimated at \$250,000 as set out in Appendix B to the abovementioned report. The report also sets out (based on supporting traffic reports lodged with the Concept Plan application) that the demand for the underpass was generated equally between the Stockland development and the future school on the opposite side of Naval College Road. The above comment explains that because Stockland would be designing and constructing the underpass a 50% credit should be applied for that component of the costs of works not attributable to the Stockland development. Council would then recoup the remaining 50% via other means.

For the reasons outlined above we do not agree with the Council’s recommendation that Statement of Commitment No. 59 needs to be further amended to require a percentage contribution from the school.

(ii) Pedestrian Safety Issues

The supporting plans submitted with the Modification application are purely for explanatory purposes. The Project Approval never contained any design details for the roadworks (or the underpass). Such details would be provided as part of the construction certificates for roadworks (as per Statement of Commitment No. 2) and would be subject to Council’s approval as per Statement of Commitment No.48b. We also note that RMS approval is also necessary through a Works Authorisation Deed (WAD).

Nevertheless, conceptual plans have been prepared and are **attached** to this letter illustrating the location of the mid-block signalised pedestrian crossing in relationship to the future pedestrian network. Approval of the design is not sought as part of this s.75W Modification and separate applications detailing the design will be submitted to the relevant authorities. As noted above, Council does not object in principle, and it is the principle of replacing the underpass with a mid-block signalised pedestrian crossing that is the substance of the s.75W modification, not the detailed design.

The **attached** plans indicate the location of the mid-block signalised pedestrian crossing further north along Naval College Road such that it allows for a better connection with the boardwalk leading to the District Centre, as per Council’s comments. The precise location will also be subject to co-ordination with services and stormwater infrastructure and this detailed design detail can be resolved as part of the separate approvals process with Council and RMS.

2.0 Roads and Maritime Service

The RMS similarly do not object to the modification in principle, but has set out nine conditions that they consider are necessary. As stated above, the modification is not seeking approval for



the design, but the principle of replacing the underpass with a mid-block signalised pedestrian crossing.

The suggested conditions contained in the RMS letter are all matters that would normally occur as part of a Works Authorisation Deed (WAD) and their letter states that assessment of the detailed design plans will be undertaken as part of the WAD process. Because there are separate approvals processes necessary to effect the Project approval, the nine conditions set out by the RMS are not considered relevant to the s.75W modification.

3.0 Vincentia Ratepayers and Residents Association

The VRRRA considers that the replacement of the underpass with a mid-block signalised pedestrian crossing will create “*major traffic problems*”. We note that Council and the RMS have both agreed to the proposed replacement of the underpass with a mid-block signalised pedestrian crossing subject to its relocation 50m to the north to address traffic related matters. The preferred location of the crossing is indicated on the **attached** plans

4.0 Conclusion

Having reviewed the submissions we do not consider there to be a need to amend the s.75 Modification application as lodged. We trust that the above responses assist the Department in finalising its assessment. 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

A handwritten signature in black ink, appearing to read 'D. Kettle', written over a horizontal line.

DAVID KETTLE
DIRECTOR

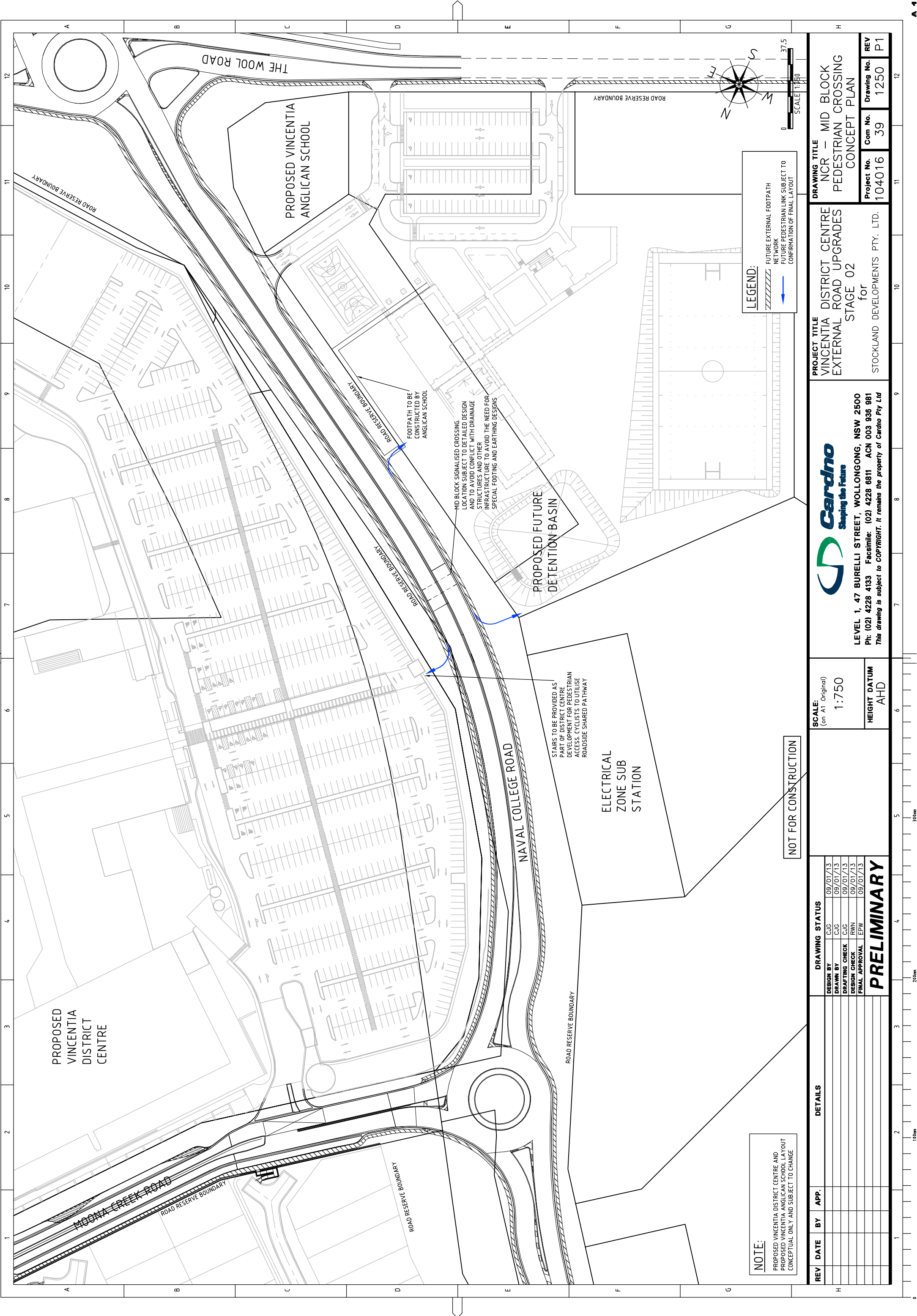
dkettle@donfoxplanning.com.au

A handwritten signature in black ink, appearing to read 'D. Kettle', written over a horizontal line.

Reviewed: _____

Attached: NCR – Mid Block Pedestrian Crossing Concept Plan (updated).

DO NOT SCALE IF IN DOUBT ASK



NOTE:
PROPOSED VINCENTIA DISTRICT CENTRE AND
PROPOSED VINCENTIA ANGLICAN SCHOOL LAYOUT
CONCEPTUAL ONLY AND SUBJECT TO CHANGE

NOT FOR CONSTRUCTION

REV	DATE	BY	APP.	DETAILS	DRAWING STATUS			
					DESIGN BY	CJG	09/01/13	
					DRAWN BY	CJG	09/01/13	
					DRAFTING CHECK	CJG	09/01/13	
					DESIGN CHECK	RWN	09/01/13	
					FINAL APPROVAL	EPW	09/01/13	
PRELIMINARY								

SCALE: (on A1 Original)	
1:750	
HEIGHT DATUM	AHD



Shaping the Future

LEVEL 1, 47 BURELLI STREET, WOLLONGONG, NSW 2500
Ph: (02) 4228 4133 Facsimile: (02) 4228 6811 ACN 003 936 981
This drawing is subject to COPYRIGHT. It remains the property of Cardno Pty Ltd

PROJECT TITLE	
VINCENTIA DISTRICT CENTRE	
EXTERNAL ROAD UPGRADES	
STAGE 02	
for	
STOCKLAND DEVELOPMENTS PTY. LTD.	

DRAWING TITLE			
NCR – MID BLOCK			
PEDESTRIAN CROSSING			
CONCEPT PLAN			
Project No.	Com No.	Drawing No.	REV
104016	39	1250	P1