



15 February 2013  
Our Ref: 6376B.39DK

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

By email: mark.brown@planning.nsw.gov.au

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 The Wool Road and Naval College Road, Vincentia**

We refer to your email of 30 January 2013 in relation to the above application. The Department has provided us with a letter from the Sydney Anglican Schools Corporation dated 22 February 2010 which advises that the Sydney Anglican Schools Corporation has an agreement with Stockland to contribute \$125,000 towards the construction cost of the proposed underpass.

We have previously advised that there is no such agreement. Following receipt of the Department's email Stockland has searched its records and has not been able to locate any such binding agreement.

The Section 75W modification seeks to amend Statement of Commitment No. 59 which relates to the design and construction of a pedestrian underpass and the method of funding the construction of the underpass. The Section 75W relates only to the form of the underpass, that is, a change from an underpass to a mid-block signalised pedestrian crossing. The Section 75W does not propose to modify the funding component of the commitment.

Shoalhaven City Council's submission in relation to the Modification application suggests Statement of Commitment No. 59 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 issue raised by Council relates to funding arrangements, whereas the Section 75W application only relates to the form of the pedestrian crossing. We are of the opinion that the issue raised by Council does not relate to this application.

Further, as stated in our letter to the Department dated 10 January 2013, we advised that the amendment suggested by Council would impose an obligation upon the School to pay a contribution, which is a matter outside the scope of the Concept Plan and Project Approvals.



Finally, Stockland has no control over when, or if, the school will be constructed and the Concept Plan and Project Approval should not be tied up with an unrelated development application.

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**

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Reviewed: \_\_\_\_\_

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