



ADDENDUM REPORT:

**Vincentia Coastal Village,
Naval College Road, Vincentia**

MP 06_0060 & MP 06_0058 MOD 13

**Modification to Statement of Commitment
for Pedestrian / Cycleway Underpass**

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

April 2013

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BACKGROUND

Stockland Development Pty Ltd (the Proponent) seeks to modify Statement of Commitment No.59 that is included within the approval of the Concept Plan and Project Application (MP 06_0060 and MP 06_0058) which refers to the provision of the Naval College Road pedestrian / cycleway underpass. The Proponent proposes to modify the Commitment to enable the construction of a 'mid-block' signalised pedestrian crossing.

The application (MP 06_0060 and MP 06_0058 MOD 13) has been assessed by the Department. The draft Director-General's Environmental Assessment Report, dated March 2013 included an assessment of the proposed modification and recommended approval of the modification request, subject to conditions.

A copy of the draft report and draft instrument of approval, including conditions was placed on the Department's website on 11 March 2013.

On 12 March 2013, Shoalhaven City Council forwarded comments and requested an amendment to the recommended instrument. Council also expressed disappointed that the Department did not accept Council's position of the funding of the works with the modification.

This addendum report provides consideration of Council's comments.

DEPARTMENT'S CONSIDERATION OF ISSUES

- a) Council requested that the recommended instrument include references to a Response to Submissions document dated 10 January 2013 that includes a conceptual plan for the location of the proposed mid-block signalised pedestrian crossing that is supported by Council (this plan relocated the mid-block signalised pedestrian crossing 50 metres to the north as requested by Council and the RMS).

The Department does not raise any concerns with modifying the recommended instrument having regard to Council's comments. Additional wording is proposed to address Council's comments. An amended modifying instrument is included in **Appendix A**.

- b) Council expressed disappointment in relation to the Department's position on the funding arrangements for the works associated with the modification. Council had requested an amendment to the Commitment that currently states that Council is to provide a 50% contribution to the cost of the construction of the works as a Section 94 offset.

Section 5 of the Director-General's Environmental Assessment Report thoroughly considered Council's position on the funding arrangement. The Department's assessment included reviewing previous modifications on the site, including a modification to the District Town Centre. This modification was supported on the basis that the provision of the original underpass was previously formalised in a negotiated Section 94 plan between the Proponent and Council. To ensure that the Department position on this matter is consistent, the funding arrangement for the provision of the works is maintained.

CONCLUSION

The Department has considered the comments received from Council and reiterates the previous consideration of Council's funding of the works as provided in the draft Director-General's Environmental Assessment Report (**Section 5**). The Department is of the opinion that this matter has been carefully considered and no additional comment is required.

An amended modifying instrument is proposed taking into consideration Council's comments.


RECOMMENDATION

It is recommended that the Executive Director of Development Assessment Systems and Approvals, as delegate for the Minister for Planning and Infrastructure:

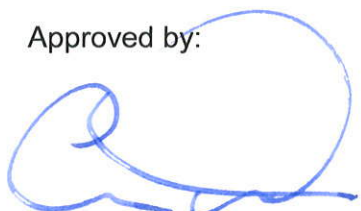
- **consider** the findings and recommendations of the draft Director-General's Environmental Assessment Report;
- **consider** the findings and recommended of this addendum report;
- **approve** the modification subject to conditions; and
- **sign** the attached updated instrument of modification.

Prepared by: Mark Brown
Senior Planner, Metropolitan & Regional Projects South

Endorsed by:


Karen Jones 21/3/13
Director
Metropolitan & Regional Projects South

Approved by:

 4.9.13
Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 4 April 2013, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and 3.



Chris Wilson
Executive Director
Development Assessment Systems & Approvals

Sydney

9 April

2013

SCHEDULE 1

Concept & Project Approval:

MP 06_0060 and MP 06_0058 granted by the Minister for Planning on 25 January 2007.

For the following:

A Concept Plan involving:

- a 614 lot residential subdivision;
- a residential development for adaptable housing;
- commercial development; and
- environmental protection measures on the remaining land.

A Project Application for a 614 lot residential subdivision.

Modification:

MP 06_0060 and MP 06_0058 MOD 13: modification to Statement of Commitment No. 59 relating to the provision of pedestrian / cycleway underpass.

SCHEDULE 2

The Concept Approval is modified by:

1. Delete Part A, A3(2)(a) and replace with the following with the insertion of the **bold and underlined** words as follows
 - (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007, as amended by Don Fox Planning Pty Ltd dated April 2008, and as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd letters dated 9 July 2010 and 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011, as amended by the Don Fox Planning Pty Ltd letter dated 16 March 2012, **as amended by Don Fox Planning report dated 20 November 2012 and the Response to Submissions dated 10 January 2013.**

SCHEDULE 3

The Project Approval is modified by:

1. Delete Part A, A3(2)(a) and replace with the following with the insertion of the **bold and underlined** words as follows
 - (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007, and as amended by Cardno Forbes Rigby letter dated 22 December 2008, and as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd letters dated 9 July 2010 and 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011, as amended by Don Fox Planning report dated 16 February 2011 and response to Submissions dated 3 August 2011, **as amended by Don Fox Planning report dated 20 November 2012 and the Response to Submissions dated 10 January 2013.**