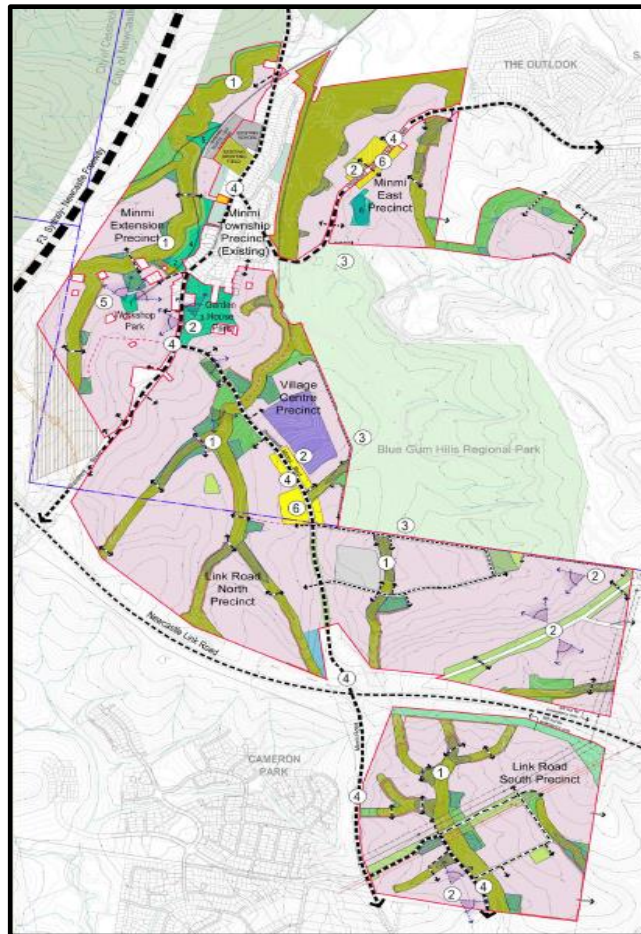


WINTEN PROPERTY GROUP



SECTION 75W APPLICATION MAJOR PROJECT 10_0090 MINMI LINK ROAD DEVELOPMENT

MODIFICATION NO. 3

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ABN: 94 000 861 110



This report was prepared by Monteath & Powys Pty Limited.

PROJECT	Minmi Link Road Development
CLIENT	Winten Property Group
OUR REFERENCE	2015/0100
DATE	12 January 2018
AUTHOR	Jessica Bayley (BUrbRegPlan) Senior Planner
CERTIFICATION	I hereby certify that this Statement of Environmental Effects has been prepared in accordance with the requirement of the <i>Environmental Planning & Assessment Act 1979</i> and its associated Regulations. I certify that to the best of my knowledge the information contained within this report is neither false nor misleading.
SIGNATURE	
CHECKED BY	Darren Holloway (BSci (Hons), MBEnv) Manager – Planning & Environment
SIGNATURE	

DOCUMENT CONTROL				
REVISION NO.	DATE	REVISION DETAILS	AUTHOR	VERIFIER
1	19/12/17	Final	JB	DH
2	12/1/2018	Amend to include details of previous modifications	JB	DH



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1. INTRODUCTION

This Section 75W application has been prepared by Monteath & Powys on behalf of Winten (No 21) Pty Ltd. The application seeks to modify the Part 3A Concept Approval issued in relation to the Minmi Link Road Development (MP10_0090). The application proposes to modify Condition 1.31, which relates to traffic and access assessment requirements.

2. BACKGROUND

SITE CONTEXT

Planning work for the 520ha Minmi Development Site, including liaison with NSW Government departments and agencies, commenced in 2005. The strategic importance of the site was recognised by the government and the site was identified as a proposed Urban Area in the Lower Hunter Regional Strategy released in 2006.

In order to progress the planning considerations, the Department of Planning then undertook the preparation of the Newcastle Western Corridor Sub-Regional Strategy. The Newcastle Western Corridor Urban Release Area, which overlaps the Newcastle and Lake Macquarie Local Government Areas (LGA), is recognised as the most significant remaining residential land release within the Newcastle LGA.

The Newcastle Western Corridor Sub-Regional Strategy commenced the process of identifying future infrastructure requirements for the area. The Minmi Development Site is a key site in the development of the Western Corridor Urban Release Area.

Part 3A Concept Approval was issued by the Planning Assessment Commission (PAC) on 6 August 2013. The Approval relates to a five stage development with up to 3,300 dwellings across the 520 hectare site at Minmi, including two commercial precincts, associated infrastructure and the dedication of approximately 1,561 hectares of environmental offset land.

In 2016 the NSW Government released the Hunter Regional Plan. The Hunter Regional Plan supersedes the Lower Hunter Regional Strategy. The Regional Plan shows the Minmi development site as a current Urban Release Area. The Plan forecasts the need for an additional 70,000 homes by 2036. It should be noted that the Minmi site has the potential to deliver in the vicinity of 5% of the additional homes required in the region over the next 20 years. One of the main benefits of this site is that it will be in single ownership, and therefore can be delivered in an efficient and timely manner.



One of the Directions of the Plan is to “Deliver infrastructure to support growth and communities”, with Actions 26.4 and 26.5 of the Plan being to:

26.4 Coordinate the delivery of infrastructure to support the timely and efficient release of land for development, including working with councils and service providers on inter-regional infrastructure and service delivery issues between growing areas.

26.5 Ensure growth is serviced by enabling and supporting infrastructure.

The site is a strategic site for housing in the Lower Hunter, and more recently was nominated specifically in the Department of Planning & Environment’s (DPE) Draft Greater Newcastle Metropolitan Plan as a Priority Housing Release Area. One of the key outcomes of the draft Plan is the delivery of housing in the Hunter, with an emphasis on unlocking supply within these Priority Housing Release Areas. Further, the Plan identifies the need for a coordinated approach in delivering State infrastructure to support and unlock the development of these Areas.

CURRENT APPLICATIONS

The Concept Approval requires that all development associated with the Concept Plan be subject to Part 4 or Part 5 of the Act, whichever is applicable. Monteath & Powys has submitted development applications on behalf of Winten Property Group for two stages of the development, identified as the Minmi East and Link Road South Precincts, which equates to approximately 1,000 residential lots.

The RMS has provided advice on development applications for the Minmi East Precinct and the Link Road South Precinct. The RMS position on each of the development applications has been that the upgrade of the Newcastle Link Road / Minmi Road intersection is required as a direct consequence of the Minmi Link Road development and should be fully funded by the developer. It is understood that the cost of upgrading this intersection may be in the order of \$45 million. Copies of the RMS submissions are contained in **Appendix A** and **B**.

In response to this position, we provide the following:

- The Newcastle Link Road, and its intersections, are of regional importance, as reflected by its inclusion in the Draft Lower Hunter SIC (2011). Item MR82 relates specifically to the Newcastle Link Road, with \$80.237 million allocated to the upgrade of the Newcastle Link Road for widening to six lanes and intersection upgrades between the F3 and Lake Road.
- Further, the Draft Hunter Region Special Infrastructure Contributions (2017) allocates \$45.9 million specifically to the upgrade of the Newcastle Link Road / Minmi Road intersection.



- The intersection is currently under stress and modelling indicates that it will fail by 2020 in the AM Peak based on background traffic alone. That is, the intersection will fail regardless of any development occurring in the area (including the Minmi Link Road Development);
- The Minmi Link Road Development is not the only development occurring in this area. Development sites adjacent to the Link Road South Precinct will also contribute additional traffic to this regional intersection. However, it is not clear whether the same restriction RMS have imposed on the Link Road South Precinct will be applied to these developments, in that no lots can be released until this regional intersection is upgraded.

In its letter dated 27 November 2017, RMS provided additional advice to Lake Macquarie City Council requesting that Council impose a condition on the Link Road South Precinct DA (DA 1936/2016) which, in summary, requires the following:

- Micro-simulation modelling to be undertaken to assess the current lifespan of the Newcastle Link Road / Minmi Road and the Newcastle Link Road / Cameron Park Drive intersections, to determine the impact of the release of any lots on each of the intersections and identify appropriate upgrades to the intersections;
- The proposed upgrades would need to ensure the intersections operate at LOS D (at a minimum) for a period of ten years following the projected completion of the five stage Concept Plan. That is, ten years beyond the development of the 3300 dwellings associated with the Concept Plan;
- The Proponent is to design and construct the agreed intersection upgrades, at no cost to RMS or Council; and
- The Proponent must enter into a WAD and complete the required works prior to the release of any lots.

A copy of the RMS advice detailing the Condition is enclosed as **Appendix C**.

Based on the current RMS requirements detailed above, development of the site beyond Stage 1 of the Concept Plan (being the Minmi East Precinct, equating to less than 400 lots) cannot proceed without the upgrade of major regional road infrastructure. These current RMS requirements essentially burden a single developer to fund and construct significant regional infrastructure, including an intersection that will fail due to background traffic alone by 2020 that is in the order of \$45.9 million.

The RMS requirements will sterilise the development of residential land identified by DPE as a Priority Housing Release Area, being the remaining 2,900 dwellings associated with the Concept Approval unless this requirement is withdrawn.

As discussed previously, upgrades to the Newcastle Link Road have been identified in multiple SIC Plans, being the Draft Lower Hunter SIC (2011) and the recently released Draft Hunter Region Special Infrastructure Contribution (2017). In this regard,



contributions are being collected from developments across the Hunter to fund the delivery of key infrastructure required to support the Hunter's growing population.

Further, it is noted that satisfactory arrangements have been agreed to by the Proponent and DPE to contribute towards the provision of designated State public infrastructure in accordance with Clauses 6.1 and 8.1 of the Lake Macquarie and Newcastle LEPs respectively. The agreed contributions represent the value of the current draft SIC rate, being in the order of \$81,994.00 per hectare of net developable area. Copies of the Secretary's Certificate for Satisfactory Arrangements are provided at **Appendix D**.

As the Proponent has made commitments to contribute towards designated State public infrastructure, it is considered that the timing, funding and delivery of the key regional road upgrades are the responsibility of the NSW Government, and should not be the obligation of a single developer, as currently required by RMS advice and the Concept Approval.

3. PREVIOUS MODIFICATIONS

Prior to this S75W application being submitted, two applications to modify the Concept Approval (MP10_0090) have been lodged. A brief summary of each application is provided below. Full details are available on the Department's Major Project Register.

MODIFICATION 1:

Modification 1 was lodged in June 2016 and approved by the Planning Assessment Commission in December 2016. In summary, the modifications related to the following:

- Amended timing for the submission of landscaping and public domain plans (Condition 1.15), identifying locations for recreation facilities (Condition 1.16), staging plans (Condition 1.17), stormwater management plans (Conditions 1.25 and 1.26), Aboriginal heritage management plan (Condition 1.38) and construction management plans (Condition 1.46)
- Delete Condition 1.49 in relation to the provision of perimeter roads.

MODIFICATION 2:

Modification 2 was lodged in July 2016. The application sought to include provisions to provide security to enable the Department of Planning & Environment to issue a Satisfactory Arrangements Certificate in relation to State infrastructure contributions, however the application was withdrawn in August 2016.



4. CONSULTATION

A meeting was held between the Proponent, their consultants and DPEs Director – Regions (Hunter and Central Coast) on 27 November 2017 to discuss the current RMS requirements and the resulting blockages to the release of key residential land. The Proponent's intent to lodge a Section 75W was also discussed at this meeting.

Consultation between the Proponent, their consultants and the RMS (Hunter) regarding upgrades to Newcastle Link Road has been ongoing. The RMS has provided comments on the development applications for the Minmi East and Link Road South Precincts, and meetings have occurred to discuss upgrades to the Newcastle Link Road, most recently on 12 October 2017. It is noted that during discussions the RMS has indicated that the upgrade of the Newcastle Link Road / Minmi Road intersection will have wider network benefits. Whilst the Section 75W application has not been discussed specifically with the RMS at this stage, it is expected that a copy will be provided to the RMS as part of the Section 75W notification process for comment.



5. PROPOSED MODIFICATION

5.1 OBJECTIVES OF THE MODIFICATION

The objective of the modification is to recognise that upgrades to the existing regional and local road network have been, or will be, accounted for under the relevant contributions schemes, and will be delivered in a coordinated manner by the relevant statutory bodies. That is, through State infrastructure contributions imposed by the NSW Department of Planning & Environment and Section 94 contributions imposed by the relevant Councils.

It is noted that although we are seeking to modify Condition 1.31, the Proponent is of the opinion that it is possible to comply with the Condition in its current form, however this can only be achieved with the cooperation of the RMS. The fundamental issue is that the Condition requires that the timing of the proposed upgrades are 'in accordance with the RMS requirements'. As detailed previously, the RMS require that the developer is responsible for the construction and delivery of the intersection upgrades.

As the current RMS requirement is not viable or achievable, it will essentially sterilise Stages 2 to 5 of the Minmi Link Road development, representing approximately 2900 dwellings. The requirement also raises the question of fairness and equity, noting that it is understood that other developments in the catchment are not subject to the same requirement. Given that funding has been collected under the SIC for the upgrades, the Minmi Link Road development should not be held up by this requirement.

It is on this basis the modifications to Condition 1.31 are sought.



5.2 DESCRIPTION OF MODIFICATION

This s75W application seeks to modify Condition 1.31, being a Further Environmental Assessment Requirement relating to traffic and access.

Condition 1.31 currently requires the following:

The first development application for subdivision within each stage of the proposed development is to include a revised traffic and transport impact assessment prepared in consultation with Transport for NSW and the relevant Council(s). Each traffic assessment must include:-

- *Details of traffic generation and distribution from all land uses proposed within that stage including retail, sporting facilities and education facilities.*
- *Intersection analysis and micro-simulation modelling to determine the impact of the proposal on the existing regional and local road network.*
- *Proposed timing for upgrades of key intersections, in particular Newcastle Link Road / Woodford Street / Cameron Park Road and Newcastle Link Road / Minmi Road in accordance with RMS requirements.*
- *Details of any proposed upgrades to the road network, including timing and funding arrangements, to accommodate the proposed development. This is to include identification of suitable pedestrian and cycle links across Minmi Road and Newcastle Link Road.*

It is requested that the Condition is amended as follows:

The first development application for subdivision within each stage of the proposed development is to include a revised traffic and transport impact assessment prepared in consultation with Transport for NSW and the relevant Council(s). Each traffic assessment must include:-

- *Details of traffic generation and distribution from all land uses proposed within that stage including retail, sporting facilities and education facilities.*
- ~~*Intersection analysis and micro-simulation modelling to determine the impact of the proposal on the existing regional and local road network.*~~
- ~~*Proposed timing for upgrades of key intersections, in particular Newcastle Link Road / Woodford Street / Cameron Park Road and Newcastle Link Road / Minmi Road in accordance with RMS requirements.*~~
- ~~*Details of any proposed upgrades to the road network, including timing and funding arrangements, to accommodate the proposed development. This is to include identification of suitable connection points for pedestrian and cycle links across Minmi Road and Newcastle Link Road.*~~



5.3 JUSTIFICATION FOR THE MODIFICATIONS

Condition 1.31 requires the Proponent to provide details for upgrades to the road network and key intersections, including timing and funding arrangements, to accommodate the proposed development. The basis of the proposed modifications is to recognise that these upgrades are dealt with under the relevant contributions plans, noting that multiple developments are occurring within the Newcastle / Lake Macquarie western corridor that will contribute demand on local and regional roads.

This section provides a breakdown of the proposed modifications and the rationale behind each amendment.

- ~~***Proposed timing for upgrades of key intersections, in particular Newcastle Link Road / Woodford Street / Cameron Park Road and Newcastle Link Road / Minmi Road in accordance with RMS requirements.***~~

It is proposed to remove this component of Condition 1.31 as the current wording has been interpreted by the RMS that the Proponent is responsible for the upgrade of key regional intersections, being the Newcastle Link Road / Woodford Street / Cameron Park Road and Newcastle Link Road / Minmi Road.

As discussed previously, the upgrade of the Newcastle Link Road is an item listed under the Draft Lower Hunter SIC (2011), and therefore is considered to be State infrastructure for which contributions will be collected from developers across the wider Lower Hunter area. Appendix 1 of the Draft Lower Hunter SIC details regional public infrastructure within the Lower Hunter Special Contributions Area. Item MR82 relates specifically to the Newcastle Link Road, with \$80.237 million allocated to the upgrade of the Newcastle Link Road for widening to six lanes and intersection upgrades between the F3 and Lake Road. Further, the recently released Draft Hunter Region Special Infrastructure Contribution allocates \$45.9 million specifically to the upgrade of the Minmi Road / Newcastle Link Road intersection.

Monetary contributions have been collected (or secured by VPAs) by the NSW Government for developments across the Lower Hunter in accordance with the Draft Lower Hunter SIC (2011). As the works associated with Item MR82 are yet to be carried out, it is expected that contributions collected will be used to undertake the upgrades on Newcastle Link Road.

Further, it is understood that the RMS is in the early stages of preparing a Corridor Strategy which includes the Newcastle Link Road. It is understood that as part of the Strategy the RMS intends to undertake micro-simulation modelling of the corridor, which would identify the necessary upgrades required to this corridor, including key intersections of Newcastle Link Road.



It is noted that Winten Property Group is in the process of executing an agreed Voluntary Planning Agreement with the NSW Government to meet its obligations in relation to the provision of designated State infrastructure. Given the intersections referred to in this Condition are identified as SIC items, the proposed timing for the upgrades is a matter outside of the Proponent's control. Whilst the traffic assessments prepared by the Proponent could provide useful information in understanding when the upgrades may be required, it is considered appropriate that the actual timing, funding and delivery of the upgrades are a matter to be resolved by the Department and RMS.

It is therefore considered appropriate that this part of Condition 1.31 is removed so that it no longer forms a Further Environmental Assessment Requirement of the Concept Approval.

- *Details of any proposed ~~upgrades to the road network, including timing and funding arrangements, to accommodate the proposed development. This is to include identification of suitable connection points for pedestrian and cycle links across Minmi Road and Newcastle Link Road.~~*

Further to the discussion above, it is proposed to modify this condition in recognition that upgrades to the road network (including timing and funding arrangements) to accommodate the proposed development are dealt with through the relevant contributions plans that take into consideration the impact of development on a catchment-wide basis, rather than site-by-site. It is this contribution framework that allows for the fair and equitable distribution of funding obligations for State, regional and local infrastructure items across a number of developments within the Lower Hunter area or the local catchment.

UPGRADES TO THE REGIONAL ROAD NETWORK:

As discussed above, upgrades to the regional road network are dealt with through State infrastructure contributions. The Proponent has fulfilled its obligations in terms of State infrastructure contributions by entering into a VPA with the NSW Government for contributions equivalent to the current SIC rate. In this regard, the timing and funding arrangements for upgrades to the road network are at the discretion of the NSW Government, namely the RMS and DPE.



UPGRADES TO THE LOCAL ROAD NETWORK:

In relation to upgrades to the local road network, each Council has prepared a Section 94 Plan that accounts for the likely or expected development in the relevant study area, and determines the community infrastructure (including roads) required to cater for future development within that catchment. The Section 94 Plans are supported by detailed traffic assessment which describe the need for roads and traffic facilities arising from all development in the catchment.

During the assessment of the Concept Plan, it is understood that the Section 94 Plans applicable to the Minmi Development Site did not account for the additional population generated by the development. However, since the Concept Plan was approved in August 2013, each Council has updated their relevant Section 94 Plans to account for the population growth associated with the Minmi Link Road Development. In Lake Macquarie LGA, this is the *Development Contributions Plan – Glendale Contributions Catchment 2015* (May 2016) and in Newcastle LGA the *Western Corridor Section 94 Contributions Plan* (August 2013).

The Proponent is required to pay Section 94 contributions to each Council as the development progresses. Each Section 94 Plan details the required road upgrades within the catchment, associated costs and timing for delivery. Similar to the SIC, whilst we acknowledge there is a requirement for the Proponent to pay Section 94 contributions, the actual delivery of these items are not the responsibility of the Proponent.

On this basis, it is considered appropriate to amend Condition 1.31 in recognition that upgrades to the broader road network are dealt with through contributions levied by the NSW Government and Councils on a catchment wide basis, rather than the onus being on a single development.

• ~~***Intersection analysis and micro-simulation modelling to determine the impact of the proposal on the existing regional and local road network.***~~

It is proposed to remove the requirement for further intersection analysis and micro-simulation modelling on the basis that:

- The impact of the proposal on the existing regional road network will be addressed through the RMS Corridor Strategy, as discussed previously in this report. It is anticipated that any micro-simulation modelling undertaken to inform regional road upgrades would include all upcoming known developments in the catchment, including the Minmi Link Road Development. As the Proponent should not be responsible for the upgrade and delivery of regional road



infrastructure, it is considered that a requirement for additional micro-simulation modelling to be undertaken by the Proponent for each stage is redundant.

- The impact of the proposal on the existing local road network is addressed through each Council's Section 94 Plan which is informed by detailed traffic studies to determine the necessary upgrades to the local road network. Similarly, it is considered that the requirement for additional modelling to be undertaken with each stage is largely redundant.

For these reasons, it is considered reasonable that the requirement for additional modelling to determine the impact on the existing regional and local road network is removed from the Concept Approval, noting that this work has been (or will be) carried out as part of the respective contributions plans or regional corridor strategies.



6. STATUTORY CONTEXT

The determination of a Concept Plan can be changed under s.75W of the Environmental Planning & Assessment Act (EP&A Act). Despite this section of the Act being repealed, the provisions of s.75W remain applicable due to the transitional arrangements for Part 3A.

Schedule 6A of the EP&A Act sets out the transitional arrangements for the repeal of Part 3A. A project that is the subject of an approved concept plan, whether approved before or after the repeal of Part 3A, is considered to be a transitional Part 3A project and subject to Schedule 6A. Clause 3C outlines that s.75W continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.

Section 75W stipulates the following:

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.*

S.75W (1) is satisfied as MP10_0090 is a Concept Plan approved under Part 3A.

The proposed changes to the determination of the Concept Plan meet the definition of "modification of approval" in s.75W(1)(b).



7. CONCLUSION

A number of amendments to the Condition 1.31 of the Concept Approval are sought. It is noted, however, the proposed changes do not compromise the intentions of the Concept Approval. The amendments seek to recognise that upgrades to the existing regional and local road network have been, or will be, accounted for under the relevant contributions schemes, and therefore the timing, funding arrangements and delivery are ultimately at the discretion and the responsibility of the relevant State agency or council.

Further, this modification is proposed in recognition that it is not viable or equitable to burden a single development with the requirement of delivering regionally significant road infrastructure, particularly where the requirement sterilises a significant portion of an identified Priority Housing Release Area and where other developments in the vicinity are not subject to this same requirement.

Like other developers in the area, the Proponent should not be prevented from delivering residential lots on the basis that SIC funded regional road infrastructure requires upgrading.

It is considered that the proposed modification will assist in unlocking residential land in the Lower Hunter, in line with the NSW Government's current strategic direction. It is considered that the proposed amendments are unlikely to result in any significant impacts given that the modifications relate to matters outside of the Proponent's control. In this regard, we look forward to the Department's approval of this Section 75W application.



APPENDIX A

SATISFACTORY ARRANGEMENTS CERTIFICATES



Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application DA/1936/2016

In accordance with the provisions of Clause 6.1 of the *Lake Macquarie Local Environmental Plan 2014*, I, Brendan Nelson, Deputy Secretary, Growth, Design and Programs, as delegate for the Secretary of the Department of Planning and Environment, certify that satisfactory arrangements have been made to contribute to the provision of State public infrastructure in relation to:

Development application number:	DA/1936/2016
Address:	Lot 30 DP 1214525
Development application description:	Torrens title subdivision generally in accordance with Attachment A
Map at Attachment A:	Yes

A handwritten signature in blue ink, appearing to read "Brendan Nelson".

Brendan Nelson
Deputy Secretary
Growth, Design and Programs

Date: 15/11/17

(as delegate for the Secretary)

**the satisfactory arrangements certificate is being issued in relation to the above development application only.*



Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application DA/2015/10360

In accordance with the provisions of Clause 8.1 of the *Newcastle Local Environmental Plan 2012*, I, Brendan Nelson, Deputy Secretary, Growth, Design and Programs, as delegate for the Secretary of the Department of Planning and Environment, certify that satisfactory arrangements have been made to contribute to the provision of State public infrastructure in relation to:

Development application number: DA/2015/10360
Address: Lot 1 DP 1230960
Development application description: Torrens title subdivision generally in accordance with Attachment A
Map at Attachment A: Yes


Brendan Nelson
Deputy Secretary
Growth, Design and Programs

Date: 15/11/17

(as delegate for the Secretary)

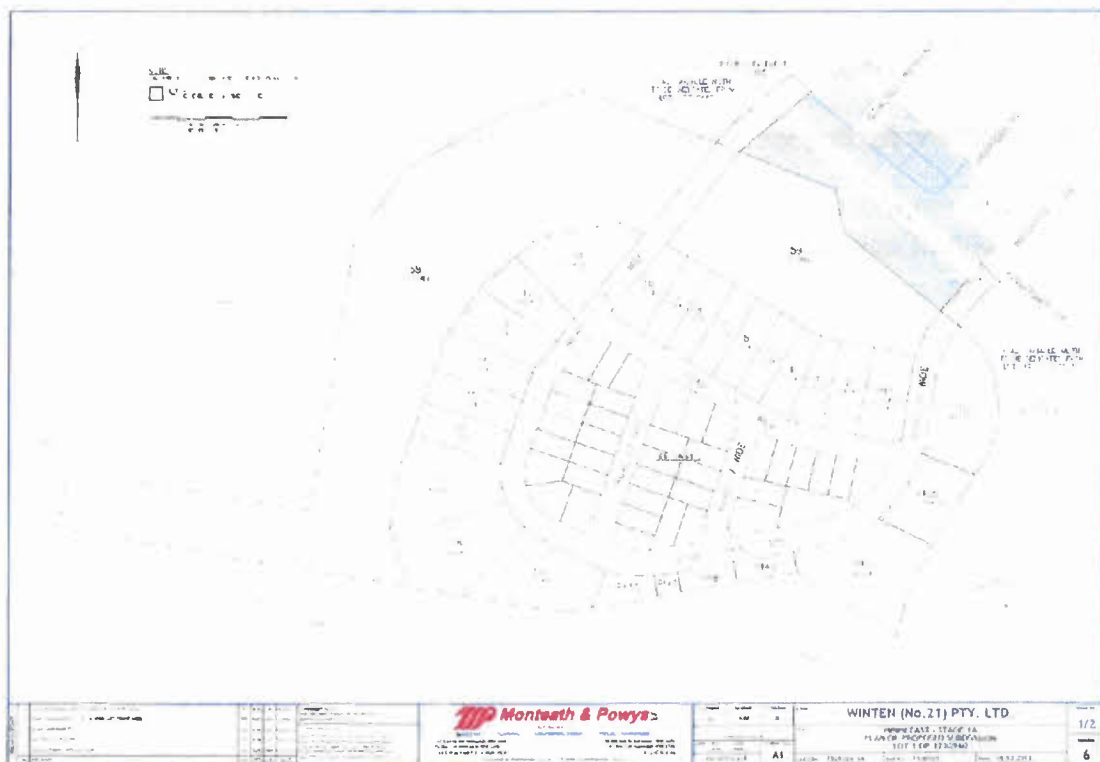
**the satisfactory arrangements certificate is being issued in relation to the above development application only.*

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application DA/2015/10360

Attachment A





Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application DA/2015/10393

In accordance with the provisions of Clause 8.1 of the *Newcastle Local Environmental Plan 2012*, I, Brendan Nelson, Deputy Secretary, Growth, Design and Programs, as delegate for the Secretary of the Department of Planning and Environment, certify that satisfactory arrangements have been made to contribute to the provision of State public infrastructure in relation to:

Development application number: DA/2015/10393
Address: Lot 2 DP 1230960 and Lot 3 DP 1230960
Development application description: Torrens title subdivision generally in accordance with Attachment A
Map at Attachment A: Yes

A handwritten signature in blue ink, appearing to read 'Brendan Nelson'.

Brendan Nelson
Deputy Secretary
Growth, Design and Programs

Date: 15/11/17

(as delegate for the Secretary)

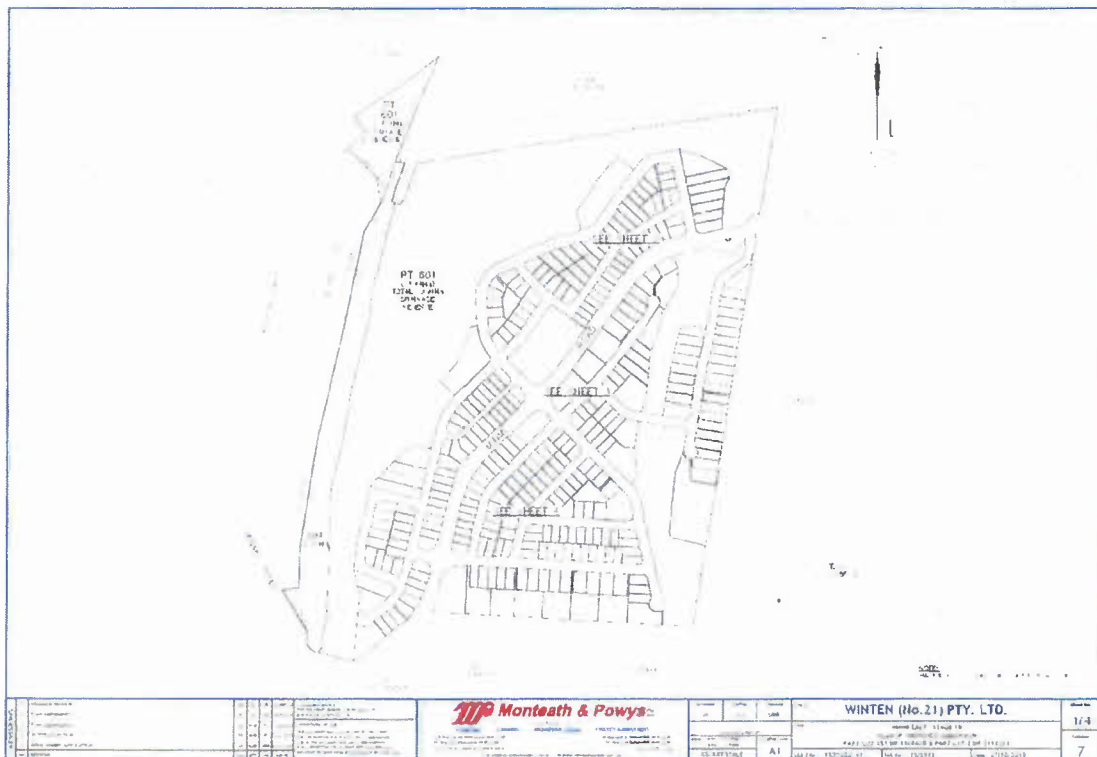
**the satisfactory arrangements certificate is being issued in relation to the above development application only.*

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application DA/2015/10393

Attachment A





APPENDIX B

**RMS ADVICE (DA2015/10393)
24 March 2016**



24 March 2016

SF2013/153992
CR2016/000307
DC

General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Brian Cameron,

NEWCASTLE LINK ROAD (MR82): TWO LOT INTO 314 LOT SUBDIVISION, ASSOCIATED ROADS, INFRASTRUCTURE, OPEN SPACE AND BULK EARTHWORKS LOT 351 DP 1108608, LOT 2 DP 1193703 – 67 MINMI ROAD, MINMI – DA 2015/10393

I refer to your letter dated 19 January 2016 regarding the subject development application forwarded to Roads and Maritime Services (Roads and Maritime) for comment in accordance with *Clause 104* of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands the development to be for a 314 lot subdivision over five stages, and forms part of Stage 1 of the Concept Approval MP10_0090.

Stage 1 of the subdivision is also known as the Minmi East Precinct and proposes:

- 249 residential lots.
- 20 mixed-use lots, including 3 super lots, 5 drainage reserves, 2 public reserves.
- The construction of local roads, services, stormwater drainage, open space and earthworks.

Vehicular access to the subdivision will be via Minmi Road and will include four new intersections from the new local street network. No direct access is proposed onto Newcastle Link Road as part of this proposal.

Roads and Maritime Response

Roads and Maritime has reviewed the information referred by Council and provide the following comments for Council's consideration:

- *Condition 1.17* of the Concept Plan approval dated 6 August 2013 states that the proponent is required to prepare a staging plan endorsed by Council, which outlines the delivery of state infrastructure contributions and identifies where contributions are to be delivered as works in kind and / or dedication of land.

Section 5.4.6 of the SEE by Monteath & Powys states that the proponent will consult with the Department of Planning & Environment and Council regarding arrangement for state infrastructure prior to determination. Council has advised that they have had no consultation from the proponent regarding this matter.

- *Condition 1.31* of the Concept Plan approval dated 6 August 2013 states that the first development application for subdivision within each stage of the proposed development is to include a revised traffic and transport impact assessment which must include the proposed timing for upgrades of key intersections including the Newcastle Link Road / Minmi Road intersection.

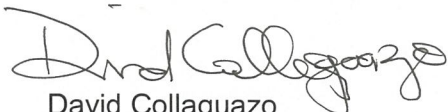
However, the Traffic Impact Assessment prepared by Intersect Traffic dated November 2015 states that the Newcastle Link Road / Minmi Road intersection will be further assessed in a separate Traffic Impact Assessment for Stage 2 Minmi Link Road south development.

- Roads and Maritime has maintained in all previous correspondence that it would require the developer to enter into a Deed Containing Agreement (DCA) / Voluntary Planning Agreement VPA in relation to the scope and timing for the upgrade of the Newcastle Link Rd / Minmi Rd intersection. Roads and Maritime acknowledges that there is no planned road connection from the subject development to the Newcastle Link Rd / Minmi Rd intersection however, it is important to note that the intersection will provide direct access to the future stages of the development and the upgrade to traffic signals will be required as a direct consequence of the development and should be fully funded by the developer.

Roads and Maritime does not concur with the approval of any subdivision which forms part of the Minmi Concept Plan approval until the matters outlined above have been addressed to the satisfaction of Council and Roads and Maritime.

Should you require further information please contact David Collaguazo on 4924 0334 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely



David Collaguazo
A/ Manager Land Use Assessment
Hunter Region



APPENDIX C

**RMS ADVICE (DA 1936/2016)
4 May 2017**



4 May 2017

CR2016/005676
SF2013/153992
MJD

General Manager
Lake Macquarie City Council
Box 1906
HRMC NSW 2310

Attention: David Pavitt

NEWCASTLE LINK ROAD (A15) & MINMI ROAD (RR7771): DA/1936/2016, 1 INTO 604 RESIDENTIAL LOTS & 2 SUPER LOTS, LOT: 30 DP: 1214525, 140 MINMI ROAD CAMERON PARK

Reference is made to Council's letter dated 5 December 2016, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands the development to be for subdivision of 627 lots over 15 stages, forming Stage 2 of Major Project concept approval MP10_0090.

Stage 2 of the subdivision, referred to as the Link Road South Precinct, comprises:

- 604 residential lots
- 27 mixed use lots, including 2 super lots, 17 drainage lots, 3 public reserves, 1 park
- Construction of local roads and services

Roads and Maritime response & requirements

Roads and Maritime has reviewed the information provided, and requests the following matters be investigated and addressed to the satisfaction of Council and Roads and Maritime:

Newcastle Link Road, Minmi Road and future Minmi Boulevard intersection:

The submitted Traffic Impact Assessment states the following:

“The existing Newcastle Link Road / Minmi Road roundabout is currently operating satisfactorily however with only background traffic growth the intersection will fail in the AM peak 2020 and also within the PM peak by 2026. Therefore the intersection will need upgrading whether this development proceeds or not.

Conversion of the roundabout to signals ... will ensure the intersection will operate satisfactorily post development in 2026.

The construction and full development of 200 lots of the Minmi Link Road South subdivision by 2020, will not change the overall Level of Service (LoS) experienced at the roundabout for both the AM and PM peaks as a result of the additional development traffic. The LoS remains at F for the AM peak and B for the PM peak. The impact of including the development in the AM peak is an increase in average delay of only 45 seconds and the 95% back of queue length increase is only 66 cars. This is considered minimal given that the pre-developed LoS is F. The PM peak impact is insignificant.”

Roads and Maritime do not concur that the additional impact on the intersection as a result of the construction of 200 lots is minimal. Whilst the level of service may remain at F for the AM scenario, the additional queue and delay as a result of these 200 lots is not considered acceptable. A delay of 45 seconds is considered to be operating near capacity and classed as a level of service D.

Roads and Maritime have stated in previous correspondence that it will require the developer to enter into a Deed Containing Agreement (DCA) or Voluntary Planning Agreement (VPA) in relation to the scope and timing of the upgrade of the Newcastle Link Road and Minmi Road intersection. Roads and Maritime acknowledges that there is no planned road connection from the subject development to the Newcastle Link Road and Minmi Road intersection, however the intersection will provide direct access to the future stages of the development via Minmi Boulevard.

Roads and Maritime maintains that the Minmi Boulevard connection should be constructed and operational prior either to the commencement of stage 2 (this stage) or stage 3 of MP10_0090.

The upgrade of the Newcastle Link Road and Minmi Road intersection to traffic signals will be required as a direct consequence of the development and should be fully funded by the developer, at no cost to Roads and Maritime or Council. Roads and Maritime reiterate that this intersection must be provided.

The developer should seek advice in relation to whether offsetting a portion of the cost of the required intersection upgrade is available through the Special Infrastructure Contribution (SIC) payable for this development, in consultation with the Department of Planning and Environment.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Newcastle Link Road, or the Minmi Road stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Newcastle Link Road, a classified State road (A15), and Minmi Road, an unclassified Regional road (RR7771). In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

As road works are required on the Newcastle Link Road (A15), Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachment A).

Comment: It is requested that Council advise the developer that the Conditions of Consent do not guarantee Roads and Maritime's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Roads and Maritime.

- All road works under the WAD shall be completed prior to issuing any Construction Certificate for the proposed agreed number of developable lots.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Marler', written in a cursive style.

Peter Marler
Manager Land Use Assessment
Hunter Region



APPENDIX D

**RMS ADVICE (DA 1936/2016)
27 November 2016**



27 November 2017

CR2017/004580
SF2013/153992
MJD

General Manager
Lake Macquarie City Council
Box 1906
HRMC NSW 2310

Attention: David Pavitt

NEWCASTLE LINK ROAD (A15) & MINMI ROAD (RR7771): DA/1936/2016, 1 INTO 604 RESIDENTIAL LOTS & 2 SUPER LOTS, LOT: 30 DP: 1214525, 140 MINMI ROAD CAMERON PARK

Reference is made to Council's email dated 22 November 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands the development to be for subdivision of 627 lots over 15 stages, forming Stage 2 of Major Project concept approval MP10_0090.

Stage 2 of the subdivision, referred to as the Link Road South Precinct, comprises:

- 604 residential lots
- 27 mixed use lots, including 2 super lots, 17 drainage lots, 3 public reserves, 1 park
- Construction of local roads and services

The MP10_0090 concept plan approval has the following condition:

Traffic and access

1.31 The first development application for subdivision within each stage of the proposed development is to include a revised traffic and transport impact assessment prepared in consultation with Transport for NSW and the relevant council(s). Each traffic assessment must include:

- Details of traffic generation and distribution from all land uses proposed within that stage including retail, sporting facilities and education facilities.
- Intersection analysis and micro-simulation modelling to determine the impact of the proposal on the existing regional and local road network.
- Proposed timing for upgrades of key intersections, in particular Newcastle Link Road / Woodford Street / Cameron Park Road and Newcastle Link Road / Minmi Road in accordance with RMS requirements.
- Details of any proposed upgrades to the road network, including timing and funding arrangements, to accommodate the proposed development. This is to include identification of suitable pedestrian and cycle links across Minmi Road and Newcastle Link Road.

Roads and Maritime response & requirements

Roads and Maritime has reviewed the information, and requests the following Condition to be included within the Conditions of Consent:

Road works on State Roads

Roads and Maritime Services (Roads and Maritime) note that MP10_0090 concept plan approval requires the proponent to identify the proposed timing for the upgrade of both the Newcastle Link Road and Minmi Road intersection and the Newcastle Link Road and Cameron Park Drive intersection. To meet this requirement, the intersections are to be upgraded, at no cost to Roads and Maritime (Roads and Maritime Services) or Council. The timing for each upgrade is to be negotiated with Roads and Maritime.

The upgrade and timing of each intersection is to be demonstrated through microsimulation modelling of the intersections to Roads and Maritimes satisfaction, showing (but not limited to) the following:

- The remaining life of the intersections,
- The impact of the release of any lots on the intersections,
- The proposed upgrade of each intersection and the impact of this upgrade on the Newcastle Link Road, and
- The proposed upgrade operating at LOS D or better for a period of 10 years following the projected completion of the five stage Major Project MP10_0090, using agreed background growth rates.

The microsimulation modelling is to be provided and agreed to by Roads and Maritime prior to any Construction Certificate for the proposed subdivision (prior to CC for any works).

The road works required on the Newcastle Link Road will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime will exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD.

Note, the Conditions of Consent do not guarantee Roads and Maritime's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. Roads and Maritime must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Roads and Maritime.

- All road works under the WAD shall be completed prior to the release of any lots.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.

Roads and Maritime shall approve all engineering plans and specifications, for works on or impacting the Classified Road, prior to the issue of a Construction Certificate for the works.

The concurrence of the Roads and Maritime may be obtained by submission to the Principal Certifying Authority of appropriate engineering plans and specifications for lodgement with the Authority. No works shall commence until the Roads and Maritime has granted its approval to the plans and specifications.

On determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4908 7688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region