



25 September 2018

Manager, Regional Assessments  
NSW Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

**Attention: Emma Butcher**

**MACQUARIE ROAD (MR217): MP06\_0309 MOD 8, TRINITY POINT CONCEPT PLAN, NOTIFICATION OF MODIFICATION REQUEST**

Reference is made to the Department of Planning & Environment (the Department)'s email dated 7 September 2018, 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 modification application to be for deletion of condition C7(1) from the Concept Plan Instrument of Approval, which requires the Proponent to enter into an agreement with Roads and Maritime for a monetary contribution towards the upgrade of the Fishery Point Road / Macquarie Street intersection.

Roads and Maritime Response

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Trinity Point is located on the shores of Lake Macquarie, with the primary access to the site being via the intersection of Macquarie Road and Fishery Point Road. Macquarie Road (MR217) is a classified State road and Fishery Point Road is a local road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

On 25 November 2015, MP06\_0309 Mod 5 Condition C7(1) of the Instrument of Approval was amended to read:

*The developer shall enter into an agreement with Roads and Maritime Services to pay a contribution of \$769,494 (inclusive of GST) towards the cost of the future upgrade of the Fishery Point Road / Macquarie Street intersection. The agreement is to be executed prior to the issuing of the first occupation certificate (interim or final) for residential apartments and / or short stay accommodation on-site. The agreement must incorporate details of staged payment of the contribution that will be linked to the staged development of the residential apartments and short stay accommodation. The total agreed contribution of \$769,494*

*(inclusive of GST) must be indexed quarterly in accordance with the NSW Road and Bridge Construction Index.*

Roads and Maritime has reviewed the referred information, and notes the following:

- Roads and Maritime have previously discussed the draft Deed with the Proponent / consultants, however the Deed has not been completed. The Deed is with the Proponent to finalise and enter into, and has been for in excess of a year.
- As the intersection upgrade of Macquarie Road and Fishery Point Road was being funded by various funding sources including Deeds from other developers within the Bonnells Bay Peninsula, Roads and Maritime was required to complete the upgrade prior to a certain date. As that date is approaching, Roads and Maritime could not wait for the Proponent to enter into the Deed.
- The intersection, which is currently under construction, does not cater for the additional traffic generation of the Trinity Point development. Roads and Maritime consider that the Proponent will therefore be responsible for a subsequent upgrade of the intersection to accommodate the expected increase in trips associated with the development.
- Roads and Maritime therefore object to the proposed amendment, and recommend that the developer provide a revised Traffic Impact Assessment to determine any upgrades required to the intersection of Macquarie Road and Fishery Point Road following the intersections upgrade to Traffic Control Signals (TCS), to the satisfaction of Roads and Maritime.

Any upgrade required as a result of the traffic generation of the Trinity Point residential apartments and short stay accommodation development shall be undertaken by the Proponent via a Works Authorisation Deed (WAD), prior to the issuing of the first occupation certificate (interim or final) for residential apartments and / or short stay accommodation on-site, at no cost to Roads and Maritime or Council, and to Roads and Maritime's satisfaction.

Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au)

Yours sincerely



Peter Marler  
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**Hunter Region**