

18 December 2018

NSW Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

ATTENTION: Casey Joshua

Dear Casey,

**RE: S75W Mod 3 – Response to Further Submissions  
Minmi Link Road Estate (MP10\_0090)**

Thank you for your email dated 12 December 2018 regarding our current Section 75W application for the Part 3A Concept Plan associated with the Minmi Link Road Estate (MP10\_0090). We understand the Department is seeking our response to the additional submissions provided by the City of Newcastle (CN), NSW Roads & Maritime Service (RMS) and Transport for NSW (TfNSW).

We have reviewed each response, and wish to clarify that the underlying issue of this application is the funding and delivery of the Newcastle Link Road / Minmi Road intersection, being part of the State road network.

As advised previously, the upgrade required to the intersection is beyond the capability of a single developer, in this case Winten Property Group. Given the significance of the intersection upgrade, a regional solution is required to resolve this matter. Supporting this notion is the inclusion of the intersection upgrade in the draft Hunter SIC (with \$45.9 million allocated to the works), as well as funding being allocated under the Housing Acceleration Fund for preliminary investigation works.

However, until such time as the funding and delivery of the intersection upgrade are resolved, we request Condition 1.31 is modified in a manner that would allow Winten Property Group to continue planning work required for the development, while the funding and delivery of the intersection is resolved in the background and prior to the release of lots beyond what is already approved for Stage 1 of the Concept Plan.

As per our previous correspondence, Winten has agreed to carry out the micro-simulation modelling. We note that we have engaged a traffic consultant to undertake the modelling, and have a meeting scheduled with the RMS on 18 January 2018 to discuss the modelling process in further detail. The outcome of the modelling will assist in determining the impact of the proposal in relation to the existing regional road network. In this regard, the only outstanding matters relate to the timing and funding of the intersection upgrade which, as stated above, are beyond the capacity of any private developer.



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Taking into account the matters raised by CN, TfNSW and RMS, we have reviewed the modifications previously requested and provide the following revised amendments for the Department's consideration. The revised amendments seek to:

- Require that a traffic impact assessment addressing the local road network be provided as part of each development application for subdivision, to satisfy Council's concerns;
- Impose a condition requiring that assessment of the State road network be undertaken prior to issue of a Construction Certificate (beyond Stage 1), consistent with the condition imposed by the RMS on the Stage 2 (Link Road South Precinct) development consent.

To achieve the above, we propose that Condition 1.31 is modified per the wording below, and an additional condition included to address the State road network.

**Condition 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 **local** 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 **local** 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.***

**New Condition (wording as per DA 2016-1936):**

*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.*

The intent of the above amendments is to address the local road network as part of each development application, and allowing the broader State road network to be addressed separately and prior to the commencement of subdivision construction. This is on the basis that the State road network is subject to a broader range of external influences, such as funding arrangements and regional traffic impacts, that are outside of Winten Property Group's control.

We note that the RMS imposed the proposed condition on the Stage 2 development consent (DA1936-2016). The condition essentially required that the micro-simulation modelling be undertaken prior to the release of any Construction Certificate associated with that stage. We are seeking this same principle be applied to the overarching Concept Approval, and therefore subsequent development applications. A copy of the development consent is enclosed (refer to Condition 34).

We believe that the above approach will satisfy CN concerns around the need for traffic assessment with the development applications for subdivision, whilst allowing time to determine a regional approach to resolve matters relating to the State road network prior to construction commencing on Stages 2, 3, 4 or 5 of the Concept Plan.

The above approach presents no additional risk to the RMS, as it essentially requires the resolution of the State road network prior to construction occurring on the site, in the same manner as the Stage 2 development consent. This approach will also enable Winten Property Group to continue with the necessary planning work required for the remaining subdivision stages.

We would welcome the opportunity to discuss this matter further. If you need to discuss this matter further or have any other queries please do not hesitate to contact me on 9929 5000.

Regards



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