

Our Ref: 16NEW0055

Wednesday, 14 October 2020

Cessnock City Council
P.O. Box 152
Cessnock NSW 2325

Submitted via email: Janine.Maher@cessnock.nsw.gov.au

Dear Janine,

**F & F Properties subdivision Blackhill, John Renshaw Drive
Black Hill NSW 2322
Australia**

Please find attached a letter from the developer offering to meet the cost of constructing the mitigation measures to meet the impacts of the proposed development together with the background traffic for the next 13 years.

We note that this offer is based on the following;

- GTA report using TFNSW assumptions applied to the development site.
- Acknowledgment, according to TFNSW, the intersection at John Renshaw Drive and the M1 will fail in the next 5 years
- These works will mitigate the development traffic impact and also the background traffic, based on assumptions provided by TFNSW.

The works are those recommended by GTA in the report in May 2020. This report was provided to both Council and TFNSW in May 2020.

We recommend the following conditions of consent in regard traffic mitigation measures.

The developer will construct at their expense the following works;

1. Two intersections as shown in the proposed subdivision plan
 - a. The eastern intersection which will be constructed as part of stage 1 with the access road adjacent to the common boundary to allow public road frontage and access to the adjoining site to the east. The intersection will be constructed in accordance with the GTA report which has assessed the requirements for the precinct.
 - b. The road and eastern intersection must be coincident with the existing easement for a public road on the subject site.
 - c. The western intersection, will be constructed in accordance with the GTA report no later than stage 4.
2. The following works will be also be constructed at the developers expense;
 - a. The duplication of John Renshaw Drive from the eastern intersection to the M1/Weakleys Drive intersection
 - b. Duplication of the right turn lane from John Renshaw Drive into the M1.
 - c. Duplication of the right turn lane from Weakleys Drive into John Renshaw Drive,
 - d. Creation of a left hand turn lane from the M1 to John Renshaw Drive
 - e. Extension of Lane 1 on the M1 to the start of the left hand land in point d.
3. These works will be constructed generally in accordance with the GTA report of May 2020 and the plans provided by ADW Johnson which are attached to this letter.
4. The timing of these works will be as follows;
 - a. Eastern Access must be complete prior to the release of the subdivision certificate for stage 1.
 - b. A Works Authorisation Deed (WAD) application for the remaining works, identified as items a,b,c,d,e in point 2 above must be lodged within 3 months of the WAD being approved for the eastern intersection.
 - c. The works associated with items a, b, c, d and e in item 2 above must be delivered within 18 months of the WAD being approved.
 - d. The western intersection must be constructed no later than the release of the subdivision certificate for stage 4.
5. The developer is required to fund these works up to a maximum of \$12,000,000 (excluding GST) for the works outlined above in items a, b, c, d and e in point 2. This number is based on the ADW Johnson plans and their preliminary costings including the 30% contingency.
6. The developer will not be required to construct or contribute towards any further infrastructure in regard to road works external to the site other than those listed above in items a, b, c, d and e in item 2 above.



In regard to the matters raised for visual impact, we would recommend the following condition;

1. A landscape buffer 10 metres wide be placed on the lots fronting John Renshaw Drive in stage 1, being lots 101, 106 and 105. A plan will be required to be submitted to council for their approval showing the proposed landscaping treatment prior to release of the construction certificate for the stage 1 subdivision works.
2. A restriction as to user will be placed on the lot 10 metres wide adjacent to John Renshaw Drive preventing any development from this part of the site.
3. A positive covenant will be placed on the title coincident with the restriction as to user which requires the owner to maintain the landscaping within the buffer.
4. The positive covenant and restriction as to user ,must be incorporated into the stage 1 subdivision plan.
5. These works within the landscape buffer, identified in the plan in the above condition numbered 1, will need to be completed prior to the release of the stage 1 subdivision certificate

This condition is consistent with the recommendation in the EIS and the buffer recommended in the rezoning assessment.

The above conditions, we believe, will resolve the outstanding issues of mitigating the traffic impacts of the development and resolving the visual impacts raised by council in their assessment.

Please find attached a copy of the plans prepared by ADW Johnson that show the proposed works as outlined in the May 2020 GTA report together with their estimate of costs, including a 30% contingency. Also, included is the initial offsite works assessment provided to council.

Yours sincerely.



Stephen Barr

Director

sbarr@barrpandp.com.au

0422 570 345

Monday 28th September 2020



Suite 11.02, 205 Pacific Hwy
St Leonards NSW 2065
P (02) 8821 7199
www.broaden.com.au

Submitted via email: Damien.Pfeiffer@tfnsw.nsw.gov.au

Re: Roads Contribution subdivision Blackhill, John Renshaw Drive, Blackhill

Dear Planning Panel,

The following letter represents an offer to move the proposed 38 lot subdivision forward through making a significant contribution to both the road works required to open up the precinct and also the offsite roadworks.

We have enclosed our offsite study, undertaken and submitted to Cessnock Council on the 24th September 2020, which was suggested by the panel to be completed as a result of the Land & Environment court decision on *Stevens V Newcastle Council*.

The following works are offered to be delivered as part of the subdivision;

1. Two intersections to open up the precinct and the proposed development;
 - a. The eastern intersection which is common the boundary of the two industrial lots providing access to the Industrial precinct, as per the approved 3A concept plan.
 - b. The western intersection, required to create additional traffic access capacity, from Cessnock & the Hunter Freeway.
2. The duplication of John Renshaw Drive from the eastern intersection to the M1/Weakleys Drive intersection
3. Duplication of the right turn lane from John Renshaw Drive into the M1.
4. Duplication of the right turn lane from Weakleys Drive into John Renshaw Drive,
5. Creation of a left-hand turn lane from the M1 to John Renshaw Drive
6. Extension of Lane 1 on the M1 to the start of the left-hand land in point 5.

The works in items 1 and 2 are expected to cost in the order of \$20m and the remaining works are expected to cost on the order of \$12m.

In addition, the developer has entered into an agreement to contribute approximately \$6m towards state infrastructure via a VPA to meet their satisfactory arrangements clause requirements, of which a copy is enclosed.

We have undertaken 3 major traffic modelling reports, submitted to TfNSW in November 2019 and May 2020 based on numbers supplied by TfNSW.

The proposed works are based on a traffic study undertaken by GTA, which adopted the TfNSW figures and assumptions for the traffic generation and distribution. We also note that the GTA report is very conservative in terms of the assumptions around the distribution of traffic from the site, the use of GPS on heavy vehicles (TfNSW strategy), high productivity vehicles (TfNSW policy), minimizing traffic movements in peak hour and work from home options or carpooling or bus services.

We note that the Hunter State Infrastructure Contribution, which was presented in draft form in 2011 included the following upgrades which are relevant to the site;

- MR588 John Renshaw Drive Duplication – Weakleys Drive to Cessnock LGA Boundary.

While the SIC has been reviewed since 2011, the State took responsibility for the upgrade of John Renshaw Drive at that time. The developer is offering to fund these works.

The developer of the project, Broaden, is now offering to upgrade John Renshaw Drive from the Cessnock boundary to the Weakleys Drive as part of their proposed development.

In addition, TfNSW, upgraded the intersection of John Renshaw Drive and the M1, completing this work in 2019. The works were designed to allow the intersection to function at an overall level of service (LOS) D on completion (TfNSW REF completed for the work), with the intersection expecting to perform at a LOS E by 2025.

The developer of the project is offering to upgrade the intersection to accommodate the traffic from the development site and the background traffic and partly from the adjoining development.

The timing of the above works is proposed to be as follows;

- Eastern intersection - lodge WAD immediately and finish intersection prior to the completion of stage 1.
- The WAD for the upgrade to John Renshaw Drive and the intersection as outlined above, being lodged within 3 months of the 1st WAD being approved and the works being delivered within 18 months of the WAD being approved.
- The second intersection being delivered prior to the completion of stage 4.

The offsite works, items 2 to 6 above have been costed by ADW Johnson (Engineers), which shows the works cost to be \$12,000,000 + GST. This includes a contingency of 30%. As a result, the cost of the works would be capped at this value of \$12,000,000 + 10% GST.

Where costs exceed that amount, we would propose to reduce the proposed state infrastructure contribution by a corresponding amount.

All of these works would be fully funded by the developer with no contribution asked from the adjoining developer. No further works would be required for the subject site either as a contribution or as physical works.

Should further works be required in the future to meet traffic demand for either background traffic or the adjoining development these works would be required to be delivered as part of the adjoining development or TFNSW.

We believe this offer will exceed the requirements of the subject development and will also provide the opportunity to open up the precinct and provide certainty for each site and will bring investment forward for the delivery of this site which in turn will create jobs.

We have sought the approval of the Regional Planning Committee of our Development Application today, as the result of the enormous amount of work and costs undertaken by ourselves to satisfy all the different stake holders.

We seek a positive way forward, for a **"shovel ready development"**.

Thank you for your consideration of this offer, we look forward to discussing this with you further.

Yours sincerely.



Mark Giese

Director

Mark@broaden.com.au

0427 370 737



Our Ref: 16NEW0055

Monday, 28 September 2020

TFNSW
Level 8 266 King Street
Newcastle NSW 2300

Submitted via email: Damien.Pfeiffer@tfnsw.nsw.gov.au

Dear Damien,

**Roads Contribution subdivision Blackhill, John Renshaw Drive
Black Hill**

Dear Damien,

The following letter represents an offer to move the proposed 38 lot subdivision forward through making a significant contribution to both the road works required to open up the precinct and also the offsite roadworks.

The following works are offered to be delivered as part of the subdivision;

1. Two intersections to open up the precinct and the proposed development;
 - a. The eastern intersection which is common the boundary of the lots providing access to the precinct
 - b. The western intersection, required to create additional traffic capacity.
2. The duplication of John Renshaw Drive from the eastern intersection to the M1/Weakleys Drive intersection
3. Duplication of the right turn lane from John Renshaw Drive into the M1.
4. Duplication of the right turn lane from Weakleys Drive into John Renshaw Drive,
5. Creation of a left hand turn lane from the M1 to John Renshaw Drive
6. Extension of Lane 1 on the M1 to the start of the left hand land in point 5.

The works in items 1 and 2 are expected to cost in the order of \$10m and the remaining works are expected to cost on the order of \$11m.

In addition the developer has entered into an agreement to contribute approximately \$6m towards state infrastructure via a VPA to meet their satisfactory arrangements clause requirements.

The proposed works are based on a traffic study undertaken by GTA, which adopted the TFNSW assumptions for the traffic generation and distribution. We also note that the GTA report is very conservative in terms of the assumptions around the distribution of traffic from the site, the use of GPS on heavy vehicles (TFNSW strategy), high productivity vehicles (TFNSW policy), minimizing traffic movements in peak hour and work from home options or car pooling or bus services.

We note that the Hunter State Infrastructure Contribution, which was presented in draft form in 2011 included the following upgrades which are relevant to the site;

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While the SIC has been reviewed since 2011, the State took responsibility for the upgrade of John Renshaw Drive at that time. The developer is offering to fund these works.

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In addition, TFNSW, upgraded the intersection of John Renshaw Drive and the M1, completing this work in 2019. The works were designed to allow the intersection to function at an overall level of service (LOS) D on completion (TFNSW REF completed for the work), with the intersection expecting to perform at a LOS E by 2025.

The developer of the project is offering to upgrade the intersection to accommodate the traffic from the development site and the background traffic and partly from the adjoining development.

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- The second intersection being delivered prior to the completion of stage 4.

The offsite works, items 2 to 6 above have been costed by ADW Johnson (estimate attached), which shows the works cost to be \$12,000,000 + GST. This includes a contingency of 30%. As a result, the cost of the works would be capped at this value of \$12,000,000 + 10% GST.

Where costs exceed that amount, we would propose to reduce the proposed state infrastructure contribution by a corresponding amount.

All of these works would be fully funded by the developer with no contribution from the adjoining developer. No further works would be required for the subject site either as a contribution or as physical works.



Should further works be required in the future to meet traffic demand for either background traffic or the adjoining development these works would be required to be delivered as part of the adjoining development or TFNSW.

We believe this offer will exceed the requirements of the subject development and will also provide the opportunity to open up the precinct and provide certainty for each site and will bring investment forward for the delivery of this site which in turn will create jobs.

Thankyou for your consideration of this offer, we look forward to discussing this with you further.

Yours sincerely.



Stephen Barr

Director

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