



8 February 2016

Port Macquarie-Hastings Council
PO Box 84
Port Macquarie 2444

2015NTH024
Multi-dwelling residential development
Lot 11 DP 828300
Blackbutt Drive cnr High St Wauchope

Reference is made to the proposed conditions of consent attached to the agenda for the JRPP meeting to be held 17 February 2016.

The following changes are requested for the reasons provided:

1. Condition E 22:

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE (22) (E198) Provision of street lighting at the intersection of High Street and Blackbutt Drive in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. The lights shall be in operation prior to Council's release of the Subdivision Certificate.

Variation requested: Deletion of condition.

Reasons:

The provision of lighting at the intersection is an upgrade of the intersection.

Page 13 of Council's assessment report refers to the Traffic Impact Assessment report (Streetwise Road Safety & Traffic Services Pty Ltd) submitted with the application and various traffic counts for the intersection. Council's assessment report concludes:

"The contribution by this development to the number of turning movements is considered not to trigger a need for upgrade of the turning lanes. Council has previously identified this intersection for upgrade as part of the Major Roads Contributions plan for the area."

It is submitted that the same reasons apply to lighting of the intersection. This development does not trigger a need to upgrade the intersection.

LAND USE PLANNING

PROJECT CO-ORDINATION

LOCAL GOVERNMENT SPECIALIST

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In any case, an upgrade of the intersection is to be funded from developer contributions required under Council's Major Roads Contributions Plan, with the construction of a roundabout scheduled for 2015/2016 under that plan.

Condition B(5) requires payment of contribution under the Hastings S94 Major Roads Contributions Plan and by reference to the payment schedule, this development will be required to contribute \$265,124.00 to Major Roads. Any required improvement to lighting of the intersection should be funded using section 94 contributions.

The requirement for payment of contributions and the carrying out of lighting works for the intersection is clearly "double-dipping".

The condition should be deleted.

2. Condition B 21

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

(21) (B199) Construction of a pedestrian refuge on Blackbutt Drive, kerb ramps and any required road line marking and signage to provide a route from the proposed footpath along the frontage of the site, to a bus stop on the south side of the road. Additional foot paving on the south side of the road is not required. Details shall be provided as part of any Roads Act (s138) application.

Variation requested: Deletion of condition.

Reasons:

The installation of the pedestrian refuge on Blackbutt Drive is considered to be a regional facility that should be funded from developer contributions required under Council's Major Roads Contributions Plan. The upgrade of Blackbutt Drive, from Mahogany Way to the Oxley Highway is also scheduled for 2015/2016 under that plan.

From traffic management point of view, the pedestrian refuge would be more appropriately located near to the intersection, and would logically be constructed as part of the intersection works, to facilitate general pedestrian traffic along High St. A pedestrian refuge located 30-40m from the intersection would be confusing and an inappropriate traffic management facility.

As indicated previously, Condition B(5) requires payment of contribution under the Hastings S94 Major Roads Contributions Plan and by reference to the payment schedule, this development will be required to contribute \$265,124.00 to Major Roads. Any required improvement to Blackbutt Drive should be funded using section 94 contributions.

The requirement for payment of contributions and the carrying out of the works within Blackbutt Drive is considered to be "double-dipping".

It is noted that the development will complete kerb and gutter construction for the frontage of the site. This work may reasonably have been included in the costing of works associated with the upgrade of Blackbutt Drive under the Section 94 Plan.

The condition should be deleted. Alternatively, the condition be modified to require the footpath works construction on the development side of Blackbutt Rd to incorporate the kerb ramp for the refuge.

In any case, it is unreasonable to require construction prior to issue of the Construction Certificate. Details should be submitted with the Construction Certificate, and works undertaken prior to Occupation Certificate.

3. Condition E 4:

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

(4) (E010) Driveways, access aisles and parking areas shall be provided with a bitumen sealed surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

Variation requested: Modify to permit concrete pavements.

Reasons:

Internal accesses are preferred to be concrete sealed as a superior standard.

Please contact me if you wish to discuss any aspect of this submission.

Regards



AP Blue
Partner
Blueprint Planning Consultants