



9 December 2016

CR2016/004560  
SF2015/109378  
KAP

General Manager  
Newcastle Council  
PO Box 489  
NEWCASTLE NSW 2300

Attention David Paine,

LAKE ROAD (B53): SECTION 96 APPLCIATION 2015/508.01 SEEKING TO INCREASE STAGED DEVELOPMENT OF 95 DWELLINGS TO 104 DWELLINGS AND ASSOCIATED WORKS, LOT: PART A DP 350420; LOT: 1 DP: 725264; LOTS: PART A & B DP: 394165, 150-156 LAKE ROAD, ELMORE VALE

Reference is made to Council's letter dated 20 September 2016, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the modification involves an increase in dwellings from 95 to 104 dwellings, including 38 two-storey dwellings and 66 single-storey dwellings, and associated modified infrastructure works. The required upgrade to the site's access to Lake Road, including a left-turn deceleration lane via a Works Authorisation Deed (WAD) with Roads and Maritime, is not proposed to be modified as part of the subject application.

#### Roads and Maritime response

In accordance with the *Roads Act 1993*, RMS has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Lake Road (B53) is a classified (State) road. As defined in s.7 of the *Roads Act 1993*, Council is the roads authority for this road and all other public roads in the area.

As the application is not Integrated Development by virtue of s.91(3) of the *Environmental Planning and Assessment Act 1979*, concurrence from Roads and Maritime at the time of the development

assessment is not required. Following receipt of a referral by Council for a s.138 application, Roads and Maritime will review the proposed road design details and will consider issuing concurrence.

Despite the above, Roads and Maritime has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network, subject to the retention of the same conditions relating to the required Lake Road intersection upgrade and consideration of Roads and Maritime's previous advice dated 3 November 2015.

#### Advice to Council

The following matters should be considered by Council in determining this development application:

- Roads and Maritime has no proposal that requires any part of the property.
- All matters relating to the local road network within the proposed subdivision and matters such as car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities within the subdivision are for Council to determine.
- Section 117 (2) direction 3.4 (Integrating Land Use Development and Transport) under the Environmental Planning and Assessment Act 1979, should be taken into account in relation to the provision of adequate access to public transport and opportunities for pedestrians and cyclists connections to existing facilities.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site. In this regard, the developer, not Roads and Maritime is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage's criteria for new residential developments, The NSW Road Noise Policy (July 2011).

Where the Office of Environment and Heritage external noise criteria would not feasibly or reasonably be met Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms under ventilated conditions that comply with the Building Code of Australia

- Discharged stormwater from the development shall not exceed the capacity of the Lake 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 the developer has appropriate traffic management measures in place, designed to minimise the impacts on the traffic using Lake Road during the construction phase of the development.

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 4924 0688 or by email at  
development.hunter@rms.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Marler', written over a circular stamp or seal.

Peter Marler  
Manager Land Use Assessment  
Hunter Region

