



25 October 2017

CR2017/003786
SF2016/159437
KML

General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Attention William Toose

NORTHCOTT DRIVE (MR326): DA2016/00733.01, SECTION 96(2), MODIFICATIONS TO APPROVED ALTERATIONS AND ADDITIONS TO WESTFIELD KOTARA, LOT: 19 DP: 876517, 89 PARK AVENUE KOTARA

Reference is made to Council's letter dated 25 September 2017, 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 Section 96(2) modification to be for:

- modifications to the approved alterations and additions to the shopping centre;
- minor modifications to the internal configuration of retail floor space with no overall change to the approved addition of 6,295 sqm retail floor space;
- the provision of an additional 81 car spaces on Level 1M as a second stage of works resulting in a total surplus parking of 92 spaces (81 + 11 spaces);
- modification to servicing and loading dock arrangements;
- relocation of existing access driveway onto Northcott Drive by 15 metres towards the Park Avenue intersection;
- relocation of Kmart Auto to a location similar to the existing Kmart Auto tenancy adjacent to Northcott Drive;
- modified landscape treatment to Northcott Drive frontage;
- provision of additional shading for roof top carparking with solar panel installation in lieu of compensatory planting;
- modification of Condition 25 to provide 40% (not 50%) of solar roof shading to Level 3 carpark;

Roads and Maritime Services

- modification of Condition 90 to remove reference to green wall and shade trees on rooftop and Condition 73 as detailed in Section 3.3.5;
- modification of Condition 59 relating to hours of construction/demolition works;
- modification to Condition 13 & 14 in accordance with Hunter Water consultation.

Roads and Maritime response

Roads and Maritime has reviewed the information provided and raises no objection to the proposed development.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of Northcott Drive 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.
- As road works are required on Northcott Drive (MR326), Roads and Maritime will require the developer to enter into a WAD with Roads and Maritime. Roads and Maritime would 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 (Attachment A).

Comment: It is requested that Council advise the developer that 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 issuing any Construction Certificate (interim or final) for the proposed development.
- 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.

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 4908 7688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

Peter Marler
Manager Land Use Assessment
Hunter Region

Attachment A: WAD Advice to Consent Authority and Developer

Advice to the Consent Authority

- On Council's determination a copy of the Notice of Determination should be forwarded to Roads and Maritime within the appellant period for advice / consideration and action where required.
- Conditions of development consent do not guarantee Roads and Maritime consent to the specific road works, traffic control signals and /or other structures or works for which it is responsible. The developer must obtain Roads and Maritime authorisation in writing prior to the commencement of any road works on Northcott Drive, including traffic management, temporary or permanent road works associated with the proposed development.

Advice to the Developer

- Following development consent, early discussion with the Roads and Maritime Project Manager is recommended. Roads and Maritime will initiate the WAD process by sending out a letter and information pack on receipt of the Notice of Determination, including the name and contact details of the Project Manager.
- As the WAD process, including acceptance of design documentation and construction can take considerable time, you should allow sufficient lead time within the project development program to ensure that all documentation and works are completed in advance of occupation. Roads and Maritime will not consider granting concurrence to occupation until it is satisfied all documentation and works under the WAD have been completed.
- Authorisation to commence construction will only be granted when Roads and Maritime is satisfied that all requirements under the WAD have been met by the developer, including Roads and Maritime fees and charges, an unconditional bank guarantee for the full value of the works, detailed design documentation, environmental assessment, road occupancy license, among other matters. Roads and Maritime will issue a letter to the developer advising of this authorisation.
- Any property acquisition / dedication required to accommodate the State road works / traffic control signals associated with the proposed development shall be at full cost to the developer, including all legal and survey costs. This land shall be dedicated by the developer as public road reserve in favour of the Council, as the owner.
- Part of the developers' timeline should make provision for Roads and Maritime to satisfy its obligations under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assess the environmental impacts of the works within the road reserve. Further investigation and assessment to that undertaken for the development consent may be required to the satisfaction of Roads and Maritime, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of Roads and Maritime design requirements, in particular the Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and relevant Australian Standards.
- A fact sheet providing further information on the WAD process can be obtained from the Roads and Maritime Private Developments Website at:
http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html
- Construction on a State road and / or traffic control signals requires the engagement of an Roads and Maritime pre-qualified contractor. A list of pre-qualified contractors can be found on the Roads and Maritime website below.

<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>