



20 December 2019

General Manager
Port Stephens Council
PO Box 42
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Attention: Ryan Falkenmire

PACIFIC HIGHWAY (HW10): DA 16-2018-772-1, CONCEPT DEVELOPMENT APPLICATION FOR FUTURE RESIDENTIAL SUBDIVISION, LOT: 41 DP: 1037411, LOT: 4821 DP: 852073, 3221 PACIFIC HIGHWAY AND 35 SIX MILE ROAD, KINGS HILL

Reference is made to Council's referral regarding the abovementioned application which was referred to Transport for NSW (Transport) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. On 25 October 2019, the Planning Agreement between the Minister for Planning and Public Spaces, Transport Services, and Kings Hill Development (No. 1 & 2) was signed, to facilitate development of the Kings Hill Urban Release Area (URA).

Transport understands the proposal to be for a concept development application for Torrens title subdivision, comprising 1900 lots within 7 precincts including residential, 6 mixed use lots, 1 local centre, parks and a school site, and associated roadworks and infrastructure, and Stage 1 subdivision works for initial site preparation and vegetation clearing. The Voluntary Planning Agreement (VPA) between Kings Hill Development (KHD), Transport and the Minister, executed 25 October 2019, defines 'Development' as including a maximum of 2,300 dwellings. The 2,300 dwelling limit must not be exceeded.

Ultimately, the Kings Hill Urban Release Area (URA) is expected to provide 3,810 dwellings over a 20 year period.

Transport Response

Transport for NSW and Transport's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

The Pacific Highway (HW10) is a classified State road, with both Six Mile Road and Newline Road being local roads. Council is the roads authority for both roads and all other public roads in

the area, in accordance with Section 7 of the *Roads Act 1993*. Transport has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- The Kings Hill Pacific Highway interchange is to be completed to Practical Completion and operational prior to the release of the 250th urban lot / dwelling within the KHD development site.
- For the initial development threshold of 250 urban lots / dwellings, access must be provided off Newline Road for any construction certificate or subdivision certificate to be issued. No lots shall be provided to Six Mile Road prior to the practical completion of the interchange.
- Under Clause 8 of the VPA, KHD is required to dedicate or transfer land to the relevant roads authority for the following:
 - to enable the future construction of a public road running east-west from the interchange with suitable access to Newline Road,
 - to enable the future construction of a public road running north-south from the interchange to the southern boundary of Lot 481 DP 804971, also known as Gwynvill land,
 - to enable the future construction of a public road running north-south through Lot 4821 DP 852073 to the southern boundary of Lot 4822 DP 852073, subject to appropriate arrangements being made with Gwynvill as the owner of that land.

The lands must be dedicated no later than 12 months prior to the anticipated completion date for the interchange.

- To enable the future construction of a public road running north-south from the northern boundary of Lot 4822 DP 852073 through Lot 4821 DP 852073 to Six Mile Road, Council should request land to be dedicated to themselves. The dedication should take place no later than 12 months prior to the anticipated completion date for the interchange.
- Immediately prior to the opening of the interchange, KHD must procure all accesses to the Pacific Highway from Lot 42 DP 1037411, known as Riding for the Disabled, with provision for alternative access to the interchange.
- Should Six Mile Road be used as flood free access for the initial 250 lots prior to the delivery of the collector roads and interchange, the intersection with the Pacific Highway must operate under an approved traffic control plan during flooding events. A flooding event management plan is to be submitted to Transport for review and be subject to any Transport requirements.
- Six Mile Road at the Pacific Highway shall be closed following the practical completion of the interchange, with alternate flood free access being provided. Council are to ensure that the closure of Six Mile Road is approved as required via the provisions of the *Roads Act 1993*.
- Council is to ensure that suitable access is to be provided from Six Mile Road to the interchange via either the north-south or east-west link road, prior to the closure of Six Mile Road at the Pacific Highway.

- The north-south public road reserve must be sufficiently formed to Council's requirements to allow access between the Kings Hill interchange and Six Mile Road prior to the release of the 401st lot within the Kings Hill URA.
- The east-west public road reserve must be sufficiently formed to Council's requirements to allow flood free access between the Kings Hill interchange and Newline Road prior to the release of the 401st lot within the Kings Hill URA.
- The east-west collector road must be provided to Council requirements prior to the release of the 1,201st lot within the Kings Hill URA.
- The intersection of William Baily Street, Newline Road, and Port Stephens Street shall be upgraded to Traffic Control Signals to Transports, and Council's requirements prior to the 1,401st lot within the Kings Hill URA. Council should ensure suitable funding arrangements are made for these works.
- All upgrades to the road network shall be at no cost to Transport.

Advice to Council

Transport recommends that the following matters should be considered by Council in determining this development:

- Transport 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 ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Pacific Highway, a classified State road. In this regard, the developer, not Transport, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, Transport recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Transport for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

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Peter Marler
**Manager Land Use Assessment
Hunter Region**