

Appendix E -

Advice from Transport for NSW and NSW Police

10 May 2021

General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attention: Julia Ryl

WINE COUNTRY DRIVE (MR220): DA/8/2021/21158/1, PROPOSED 205 SELF-CONTAINED SENIORS DWELLINGS, LOT: 490 DP: 1212110, 97 KESTERTON RISE NORTH ROTHBURY

Transport for NSW (TfNSW) advises that legislation to dissolve Roads and Maritime Services and transfer its assets, rights and liabilities to TfNSW came into effect on 1 December 2019. It is intended that the new structure will enable TfNSW to deliver more integrated TfNSW services across modes and better outcomes to customers and communities across NSW.

For convenience, correspondence, advice or submissions made to or by Roads and Maritime Services prior to its dissolution, are referred to in this letter as having been made to or by 'TfNSW'.

On 6 April 2021, TfNSW accepted the referral by Cessnock City Council (Council) through the Planning Portal regarding the abovementioned application (Development Application). Council referred the Development Application to TfNSW for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. This letter is a submission in response to that referral.

TfNSW understands the proposal to be for 205 self-contained dwellings for seniors, a community building with recreational facilities, roads, stormwater infrastructure, landscaping, signage and a caravan parking area.

TfNSW Response & Requirements

TfNSW'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.

Wine Country Drive (MR220) is a classified (State) road and Kesterton Road is a local road. 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*.

TfNSW has reviewed the information, including the Traffic Impact Assessment (TIA) prepared by One Mile Grid, dated 18 February 2021, and the Statement of Environmental Effects (SEE) prepared by DFP Planning, dated 19 February 2021.

The TIA cites that the proposed left-in/left-out intersection on Wine Country Drive (HEX Link Road) and Kesterton Rise, once constructed, will enable redistribution of traffic to the north and south. Should the subject development be completed prior to the construction of this intersection, the TIA acknowledges all traffic movements, approximately 70 vehicles/hour in AM peak hour, will utilise existing seagull intersection of Wine Country Drive and Triton Boulevard.

TfNSW advises that the proposed interim Left-in/Left-out intersection on Wine Country Drive (HEX Link Road) and Kesterton Rise is currently being assessed as part of the Modification 17 to the Project Approval (MP10_0137) and has not been approved.

In light of the above, TfNSW raises no objection to or requirements for the proposed development as it is considered the proposal will not significantly impact the nearby classified (State) road network.

Advice to Council

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

- TfNSW 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 Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed accesses promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Wine Country Drive and HEX Link Road stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.
- 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 Wine Country Drive and HEX Link Road, a classified State road. In this regard, the developer, not TfNSW, 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, TfNSW 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 TfNSW for record and / or action purposes. Should you require further information please contact Dipen Nathwani, Development Services Case Officer, on 0418 514 166 or by emailing development.hunter@transport.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, reading 'Kylie-Anne Pont'.

Kylie-Anne Pont

A/Team Leader Development Services (Hunter)
Development Services North



NSW Police Force

D/A Ref N. 8/2012/21158/1
Cessnock City Council
Att: Julia Ryl
Senior Planning Officer

SAFER BY DESIGN ASSESSMENT

Application No: D/A 8/2012/21158/1
Property: 97 Kesterton Rise , North Rothbury and 107 Kesterton Rise Road
North Rothbury (Lot 1776 in DP 1256914).

Proposal: Amendments to Seniors Housing Development.

I refer to the above development application and your request for a formal comment on the application in accordance with the guidelines under Section 79C of the *Environmental Planning and Assessment Act 1979* for Crime Prevention.

Site Description

The original development consists of 205 self-contained 2 & 3 bedroom dwellings potentially catering to a population of 500 residents, located on approx. 10 hectares of land off Kesterton Rise Road North Rothbury. That development application was commented upon by police in July 2021 with no overall objection from police.

This new application relates to proposed amendments to that original application as set out below.

Proposed Amendments

- Increase of residential dwellings from 205 to 206 dwellings.
- Lowering the ground levels in the northern most part of the northern drainage catchment of the site. This has allowed a reduction in the height of the retaining walls along the northern boundary by 0.5m to 1.0m depending on the location. Originally the retaining wall ranged in height from 1.10m to 2.65m. The proposed retaining wall now ranges from 0.60m to 1.70m. About 2/3rds of the retaining wall is below 1.1m in height. The remaining 1/3rd of the wall is between 1.30m to 1.70 which relates to the dip in the land being a former creek.

**Hunter Valley Police District
Singleton Police Station**

22 Hunter Street Singleton NSW 2330

T 02 6578 7499 **F** 02 6578 7411 **W** www.police.nsw.gov.au

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- Consequential changes to road and driveway gradients to each villa arising from lowering this northern part of the site.
- A boundary adjustment to extend the site to the west by approximately 8 to 14 metres (depending on the location) to 'capture' an additional 3455m² into the site area. The site area is now 105,030m². The FSR of the development has consequently reduced from 0.271:1 to 0.262:1. The amended DA therefore includes part of Lot 1776 in DP 1256914 (known as 1864 Wine Country Drive, Branxton)
- A 1.5m wide pedestrian path down the batter (parallel to the site boundary) to connect with the future open space located between the site and Wine Country Drive.
- Introduction of landscaping along the batter to meet the inner protection area (IPA) standard under Planning for Bush Fire Protection.
- Amended fencing treatment along the northern boundary and the eastern and south-eastern boundaries (adjacent to the future local road).
- Interim use of Villa 17 as a community building (internal floor plan is designed to suit community usage). Interim recreation facility on Villa sites 18 and 19. The interim community building and recreation facilities will remain in place until the larger community facility (club house) is operational.
- Staging has been amended from 16 stages to 15 stages.
- Removal of the display villas and associated temporary visitor car parking area from the proposed development.
- Minor amendments to the internal floor plan of the community building (refer Drawing da.06), minor amendment to remove bifold doors between the spa and pool area for BCA compliance and minor amendment to the central portion of roof line of the Community Building lowering the roof line in the centre of the building (refer Drawing da.08 – roof plan and da.09 and da.10– elevations).
 - Amendment of the car parking area to the community building to provide a loading bay and community bus car parking area.
- Minor amendment to villas to add clothes lines. The private open space area for each villa is also shaded on the plans. An area of 5m x 5m (25m²) is shown which is greater than the minimum 3m x 3m and 15m² required under clause 50(f)(i) of SEPP Seniors.
- Addition of a communications building in the northern end of the setback to Kesterton Rise Road.

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The following attachments have also been reviewed

1. Amended architectural plans (including a set of staging plans) prepared by Jon Friedrich Architects;
2. Amended civil plans (including a set of staging plans) prepared by Lanigan Civil;
3. Amended landscape plan (including a set of staging plans) prepared by Hamilton Landscape Architects;
4. Updated Disability Access Report prepared by 3D Access;
5. Updated owners consent letter from Huntlee Pty Ltd;
6. Additional BASIX certificate for Villa 206 prepared by Energy Lab;
7. Updated Operational Plan of Management prepared by Sencia;
8. Updated Notice of Requirements from Altogether Huntlee Pty Ltd for 206 dwellings; and
9. Allens memorandum regarding the Voluntary Planning Agreement

Crime Prevention Through Environmental Design (CPTED)

- Maximize risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards) and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

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Police Comment / Recommendations

After conducting a review based on CPTED principles the rating for this application has been identified as Low crime risk.

Police have no overall objections to the approval of this Application.

Schultz

Joanne Schultz
Chief Inspector
Officer in Charge Singleton
Hunter Valley Police District
2 January 2022

Prepared by: Senior Constable Steele, Hunter Valley Police District.

Reviewed by: Chief Inspector Schultz, Hunter Valley Police District.

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