

Ref: 2504/03/DPE

4<sup>th</sup> May 2019



Executive Director,  
Infrastructure & Delivery  
Department of Planning & Environment (DPE)  
GPO Box 39  
SYDNEY NSW 2000

Attention: Mr Martin Reason / Mr John Borg

By email:      Martin.Reason@planning.nsw.gov.au  
                    John.Borg@planning.nsw.gov.au

Dear Martin / John,

**RE:    SUBMISSION TO 2014/9939 3221 PACIFIC HIGHWAY AND 35 SIX MILE ROAD, KINGS HILL (KINGS HILL DEVELOPMENT NO.1 PTY LTD – ‘KHD’) PLANNING AGREEMENT.**

APP Corporation act for Kings Hill Developments No.1 Pty Ltd (‘KHD’), the majority land owner within the Urban Release Area (‘URA’) and the developer entering into this Voluntary Planning Agreement (VPA) with the Department for Planning & Environment (DPE) and the Roads & Maritime Services (RMS).

KHD take this opportunity to formally support the NSW State Government’s leadership and initiative in devising a funding mechanism that will deliver critical enabling infrastructure to unlock a priority regional URA.

In particular, KHD strongly support the fact that the Voluntary Planning Agreement (‘VPA’) facilitates the Department of Premiers and Cabinet’s undertaking to provide a universal infrastructure funding and recovery mechanism that will enable all landowners within the URA to enter an *identical* agreement that will ensure reasonable and proportionate contributions by all landowners and developers to the key URA enabling infrastructure, as well as ensure that any initial government investment will be recovered from developers within the URA so there is ultimately no cost to the community.

The government’s initiative will, particularly upon construction of the key public infrastructure, activate significant short term private investment in the region, and bring in to realisation a URA that has been identified as a priority in successive urban growth strategies of the Port Stephens Council and the State Government since the 1990s. The URA will provide land for the supply of some 3,500 homes, 1,000 construction jobs, and 300 permanent jobs (Economic analysis carried out by Macro Plan Dimasi, Oct 2014) within 15 to 20 minutes of the region’s largest existing and emerging employment centres.

The enabling infrastructure is critical for the reasons noted hereunder:

Construction of a new Interchange with Pacific Highway

The RMS has specified in all correspondence since 2002 that all vehicular access must provide for safe and efficient access to the broader traffic network based on the ultimate traffic capacity of the



URA (3,500 lots).

The URA has frontage to, and is accessed via, both Newline Road and the 110km/h zoned Pacific Highway. Given that Newline Road floods at a frequency of 1 in every 2 years (rendering Newline un-trafficable for some 3 to 4 days), the only alternative access to the Pacific Highway during such a flood event is via Six Mile Road, an existing at grade intersection with the Pacific Highway. However, this intersection has been determined by the RMS to fail in terms of safety and efficiency by the addition of traffic from only 400 lots.

To render access to the Pacific Highway that is safe and efficient, Newline Road and all other linkages and intersections between Newline and the Pacific Highway, would be required to be upgraded to cater for additional capacity and made flood free.

In terms of direct access to the Pacific Highway, traffic assessments have determined that access and egress between the Pacific Highway and Kings Hill URA is best served via a grade separated interchange.

The RMS requirement was consequently mandated by the provision of Clause 6.5 of the Port Stephens Local Environmental Plan 2013 (Port Stephens LEP), which requires arrangements to be made, to the satisfaction of Roads & Maritime Services and the Council, for the provision of vehicular access from the URA to the Pacific Highway, including the closure or modification of any existing vehicular access from any land adjoining the Pacific Highway, if necessary. Additionally, Clause 6.6 of the LEP requires any development in the URA is to have flood free access.

A suite of technical reports have been completed both on behalf of Council and KHD supporting and justifying the need for an interchange with a number of other interim or alternative options having been considered and rejected. These include:

- A northbound left turn into Kings Hill URA, and left turn out of Kings Hill URA onto the Pacific Highway, on the eastern side of Kings Hill URA (rejected due to not catering for the long-term south bound traffic capacity needs of 3,500 residential dwellings)
- An interim access arrangement via an upgraded road network into Raymond Terrace via Newline Road for the first 1,200 lots (rejected due to not satisfying the flood condition)

A further option tested by KHD was to assume an interchange was not required, and that all traffic access and leave the URA via Newline Road (given that a 400-lot limit applies to Six Mile Road without a grade separated intersection).

That assessment, undertaken by Northrop Engineers, costed the most direct path via existing roads and intersections between the URA and the nearest existing grade separated intersection with the Pacific Highway. Upgrades to existing roads and intersections are required to an extent that the cost would exceed the cost of the proposed interchange, and if this cost was not met by the URA, such costs would need to be met by the wider community.

Consequently, the arrangement enables all landowners within the URA (whom develop their land) to contribute equally towards the cost of the interchange, as it is critical enabling infrastructure.

#### Construction of a new Stormwater Channel

The Kings Hill east sub-catchment(s) naturally drain to Grahamstown Dam and lie within a designated Hunter Water Special Area. The objective of Clause 8 of the Port Stephens Local Environmental Plan 2013 (Port Stephens LEP) is to protect drinking water catchments by minimising any potential adverse impacts of development on the quality and quantity of water entering drinking water storages.

Further objectives defined by Hunter Water Corporation require that any stormwater from the Kings



Hill URA and proposed Pacific Highway interchange be prevented from entering into the Grahamstown Dam for any rainfall event up to the 0.2% Annual Exceedance Probability (AEP).

A new stormwater channel parallel to the Pacific Highway at Kings Hill is therefore required to capture run-off from the Kings Hill URA (eastern catchment), and divert the stormwater away from Grahamstown Dam, which is the Hunter's largest drinking water supply dam.

In consultation with both Council and Hunter Water Corporation, the proposed stormwater channel aims to satisfy both agency objectives and along with best endeavours by RMS to deliver the interchange and the stormwater channel concurrently, will deliver the most economical solution to release housing for the entire URA.

Consequently, the arrangement enables all landowners within the eastern drainage catchment of the URA (whom develop their land) to contribute equally towards this critical enabling infrastructure.

#### Dedication of Land for a School

The VPA requires KHD to transfer land to the NSW government for the purposes of a public school (years K-12) in accordance with Department of Education criteria.

Consequently, it is intended that all landowners within the URA (whom develop their land) contribute equally towards this critical infrastructure.

It is therefore in consideration of the relevant legislative provisions, the guidance of the participating state and local government agencies and thorough engineering and environmental assessment that the above arrangements are proposed.

The Department is aware that KHD is the largest land owner within the Kings Hill URA. This means that like the Department, Council and the community, KHD has an interest in ensuring that any arrangement will deliver the URA in a properly considered, coordinated, equitable, and environmentally sound manner.

With the leadership of the Department and RMS, KHD look forward to making Kings Hill a reality for the ultimate benefit of the local area and the broader Lower Hunter region.

Yours sincerely

**APP CORPORATION PTY LIMITED**



**ADAM SMITH**  
Project Director

cc. Wesley Chong (KHD)

Attachment 1: RMS letter 25 Feb 2015 Interchange SIC Offset & 400 lot trigger

Attachment 2: Kings Hill \_Impact without Interchange\_ Rev A

Attachment 3: Preliminary Costs – Kings Hill Development, Infrastructure Upgrade without the Interchange - Northrop