



4/6/2018

Sue Calvin  
Senior Strategic Planner  
Mid Coast Council  
PO Box 482  
TAREE NSW 2430

Emailed: [sue.calvin@MidCoast.nsw.gov.au](mailto:sue.calvin@MidCoast.nsw.gov.au)

Your Reference: PP\_2017\_MCOAST\_09\_00  
Our Reference (TRIM): DOC18/356395

Dear Ms Calvin

**Re: Planning Proposal – Greater Taree Local Environmental Plan 2010 –  
PP\_2017\_MCOAST\_09\_00 – Northern Gateway Transport Hub – Stage 2**

Thank you for the opportunity to provide advice on the above matter. This is a response from NSW Department of Industry – Geological Survey of New South Wales (GSNSW).

The planning proposal to amend the Greater Taree Local Environmental Plan 2010 seeks to facilitate development of the Northern Gateway Transport Hub through (among other amendments) rezoning land from RU1 – Primary Production to IN1 – General Industrial, E2 – Environmental Conservation and E3 – Environmental Management, with the remainder retained as RU1 – Primary Production.

GSNSW has been referred the planning proposal pursuant to the gateway determination for PP\_2017\_MCOAST\_09\_00, for consultation under s9.1 of the *Environmental Planning & Assessment Act 1979* regarding Ministerial Direction 1.3 - Mining, Petroleum Production and Extractive Industries.

According to GSNSW records, the proposed rezoning is not in the vicinity of operating mines or quarries, is not subject to exploration or production (mining) titles, nor coincident with identified or potential mineral resources.

As such GSNSW have no issues to raise under Ministerial Direction 1.3 - Mining, Petroleum Production and Extractive Industries, or State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007 for Council's consideration.

#### **Geoscience Information Services**

The GSNSW has a range of online data related to mineral exploration, land use and general geoscience topics:

<http://www.resources.nsw.gov.au/geological/online-services>

NSW Department of Planning and Environment  
DIVISION of RESOURCES & GEOSCIENCE  
PO Box 344 Hunter Region Mail Centre NSW 2310  
Tel: 02 4931 6666 Fax: 02 4931 6726  
ABN 38 755 709 681



The location of current exploration and mining titles in NSW, explanations of mining and production titles and the roles of community and government in the decision making process for mining/resource projects may be accessed by the general public using the following online utilities:

<http://commonground.nsw.gov.au>

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at [landuse.minerals@geoscience.nsw.gov.au](mailto:landuse.minerals@geoscience.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cressida Gilmore'.

Cressida Gilmore  
Manager - Land Use



**Australian Government**  
**Civil Aviation Safety Authority**

AIR NAVIGATION, AIRSPACE AND AERODROMES BRANCH

CASA Ref: F18/2873-1

21 June 2018

Ms Sue Calvin  
Senior Strategic Planner  
MidCoast Council  
PO Box 482  
Taree NSW 2430

Dear Ms Calvin,

**Re: Planning proposal to amend the Greater Taree Local Environmental Plan LEP 2010**

Thank you for the opportunity to comment on the planning proposal to amend the Council LEP 2010 to rezone land at Emerton Close and Denison Street, Cundletown (the planning proposal for the Northern Gateway Transport Hub – Stage 2).

The property is located to the east of Taree Airport.

CASA recommends that Council ensures the National Airports Safeguarding Framework (the framework) guidelines are used when assessing the proposal.

The framework consists of guidelines for managing the risk of aircraft noise, building generated windshear and turbulence, wildlife strikes, wind turbine farms as physical obstacles to air navigation, pilot lighting distractions, intrusions into protected airspace, and protecting strategically important helicopter landing sites. Please refer to the link: [https://infrastructure.gov.au/aviation/environmental/airport\\_safeguarding/nasf/nasf\\_principles\\_guidelines.aspx](https://infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx)

Please do not hesitate to contact Slavica Despotovic on 02 8651 3110 or [slavica.despotovic@casa.gov.au](mailto:slavica.despotovic@casa.gov.au) if you require further information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'I. Lobegeier'.

Iain Lobegeier  
A/Manager Aerodromes  
Civil Aviation Safety Authority



*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: [records@rfs.nsw.gov.au](mailto:records@rfs.nsw.gov.au)

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
Mid-Coast Council  
PO Box 450  
FORSTER NSW 2428

PP\_2017\_MCOAST\_09  
Your Ref: \_00  
Our Ref: R18/798  
DA18051013006 AB

**ATTENTION:** Sue Calvin

22 June 2018

Dear Ms Calvin

**Planning Proposal - Amendment To Greater Taree LEP 2010 - Northern Gateway Transport Hub - Stage 2 - Cundletown**

I refer to your correspondence dated 9 May 2018 seeking advice for the above Planning Proposal in accordance with the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and has no specific recommendations in relation to bush fire protection.

Should you wish to discuss this matter please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

John Ball  
**Manager**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



7<sup>th</sup> June 2018

Att: Sue Calvin  
Strategic Planning Group  
MidCoast Council Taree Office  
PO Box 482  
Taree NSW 2430

Land ID Ref: 7077/7076/16516  
MCC Ref: PP\_2017\_MCOAST\_09\_00  
Enquiries: Craig Wilkinson

Dear Sir/Madam,

**Reply to MCC - Planning Proposal Northern Gateway Transport Hub - Stage 2**

Thank you for the opportunity to provide a submission in relation to the proposed rezoning for the Northern Gateway Transport Hub (Stage 2). The proposed rezoning adjoins MidCoast Water Services (Council) servicing area and the subject land can be serviced through an extension of both water and sewerage reticulated networks.

Council is content for the rezoning to proceed subject to the following comments/conditions:

**Water & Sewer Treatment Capacity:** The sites identified within the planning proposal currently adjoin an existing Council water and sewer service area. There is currently sufficient capacity in the Council water and sewer treatment plants to serve the proposed development, however it should be noted that capacity availability and system performance vary over time.

The existing sewer catchments within Cundletown currently have service limitations linked to capacity constraints with sewer pump station TA-SPS-12. Council has identified in the *Taree Sewerage Scheme Servicing Strategy – 2016* upgrade works which are required to be completed in order to address these limitations and to allow continued urban expansion of the Cundletown region. Planning for these works is scheduled to commence in the 20/21 financial year.

**Strategy & Design:** A water and sewer strategy will be required to be completed to demonstrate serviceability of any development within the rezoned land. The design and construction of all infrastructure required to service the development is to be undertaken in accordance with standards published by the Water Services Association of Australia and Council. The developer is responsible for the costs for design and construction of water infrastructure required to service the development.

**Developer Charges:** In accordance with Section 64 of the *Local Government Act 1993*, payment of Council Development Charges will be required as part of the development of the rezoned land. Developer charges are to be paid at the rate applicable at time of payment. Council publishes developer charges in its annual Operational Plan.

**Section 68 Approval:** Approval in accordance with section 68 of the *Local Government Act 1993* will be required for any proposed development of the rezoned land. Aligned with this it is a requirement that the following conditions of consent be placed on any development approval issued once the land is rezoned:



**Prior to Issue of Construction Certificate:**

**1. Section 68 Approval for Water and Sewer Services**

*Section 68 approval for water and sewer services is required for the development.*

**Reason:** Legislative requirement in accordance with the *Local Government Act 1993*. This condition will ensure that the development may be adequately serviced with MidCoast Water Services infrastructure and that all plumbing and drainage works are compliant with associated legislation, standards and regulations.

**2. Provision of Certificate of Attainment**

*A Certificate of Attainment is to be received from MidCoast Water Services prior to the release of this development for construction, stating that satisfactory arrangements have been made for the provision of MidCoast Water Services infrastructure to the development.*

**Reason:** This condition will ensure that the infrastructure may adequately service the development.

**Prior to Issue of Occupation/Subdivision Certificate:**

**3. Provision of Certificate of Compliance**

*A Certificate of Compliance is to be received from MidCoast Water Services prior to the release of this development for occupation, stating that satisfactory arrangements have been made for the provision of MidCoast Water Services infrastructure to the development.*

**Reason:** Legislative requirement in accordance with the *Water Management Act 2000*. This condition will ensure that the proposed development is adequately serviced with MidCoast Water Services infrastructure.

Please feel free to contact me on (02) 6591 7513 should you have any questions or require further information.

Yours sincerely



**Craig Wilkinson**  
Development Coordinator  
(02) 6591 7513



CR200/003840  
SF2011/001779  
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29 July 2020

General Manager  
MidCoast Council  
PO Box 450  
FORSTER NSW 2428

**Attention: Sue Calvin**

**PACIFIC HIGHWAY (H10): NORTHERN GATEWAY STAGE 2 PROPOSAL AT CUNDLETOWN  
– OUTSTANDING ISSUES**

Reference is made to Council's letter to Transport for NSW (TfNSW) dated 09 July 2020 about the outstanding issues raised by TfNSW in its letter dated 03 July 2020, regarding the abovementioned application.

I would like to advise that the outstanding issues listed in your letter and the response in relation to Council's commitment to address those issues are acceptable to TfNSW.

Should you require any other information, or wish to discuss this matter further, please do not hesitate to contact Kumar Kuruppu, Development Assessment Officer, on 4908 7688 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Marler'.

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



03 July 2020

General Manager  
MidCoast Council  
PO Box 450  
FORSTER NSW 2428

**Attention: Sue Calvin**

**PACIFIC HIGHWAY (H10): PUBLIC AUTHORITY CONSULTATION: STAGE 2 NORTHERN GATEWAY TRANSPORT HUB AT CUNDLETOWN – REVIEW OF UPDATED TRAFFIC IMPACT ASSESSMENT**

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'.

Reference is made to Council's referral dated 05 June 2020 addressing the outstanding issues raised by TfNSW in its letter dated 25 May 2020 regarding the abovementioned application. This letter is a submission in response to that referral.

TfNSW understands that a submission has been made recently to the Department of Planning Industry and Environment (DPIE) to consider this planning proposal for Tranche 3 acceleration program.

TfNSW Response & Requirements

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

TfNSW has reviewed the referred information and acknowledges that responses provided in the Council's referral is acceptable to TfNSW. TfNSW provided its feedback in the Table attached with this letter.

Should you require further information please contact Kumar Kuruppu, Development Assessment Officer, on 4908 7688 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).





Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Marler'.

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

Attach.

TRANSW Issue	MidCoast Council response	Addressed Adequately	TRANSW Submissions Report Response/Requirements
2	<p>The amended TPIA suggests less than 50% of the total land area is not available for development due to environment constraints. The applicants are required to provide evidence for unavailability of &gt; 50% of land for this development, or Council need to confirm why the developable land under the rezoning will be equal to or less than 33.5 ha which appears at odds with the purpose of the rezoning.</p>	<p>Yes</p>	<p>Council response is acceptable. No further comments.</p>



TfNSW Issue	MidCoast Council response	Addressed Adequately	TfNSW Submissions Report Response/Requirements
<p>3 The amended TIA is required to provide commitments to address the proposed Stage 1 and Stage 2 work to ensure the safety and efficiency of the interchange, including strategic designs for TfNSW consideration.</p>	<p>The inadequacy of the interchange was identified in Councils Taree CBD Transport Study in 2013. As a result, RMS was specifically requested by Council on 12 October 2015 to advise whether Stage 1 of the Transport Hub would impact on the interchange. In both a meeting in Taree on 9 November 2015 and in a letter dated 7 December 2015, no issues were raised by RMS about the potential impacts on the interchange. The applicant was not requested to investigate this issue further. We are unaware of any new guidelines or additional interchange issues since the rezoning of Stage 1 in 2016 that warrant this additional work. It is inappropriate to now require the applicant for Stage 2 to examine the impacts of both stages. Additional concerns are mentioned below.</p>	<p>N/A</p>	<p>TfNSW reviewed the response provided by Council. It is noted that TfNSW (formally RMS) were unable to find:</p> <ol style="list-style-type: none"> <li>Any record to indicate questions were raised in 2015 whether Stage 1 of the Transport Hub would impact on the interchange, and/or</li> <li>Any record of advice provided to Council that applicant is not required to investigate potential impact on interchange, as a result of proposed development.</li> </ol> <p>Notwithstanding to above, TfNSW considers commitment for further investigation on interchange design is no longer required by the applicant due to reasons provided for item 4.1 below. No further comments.</p>



TfNSW Issue	MidCoast Council response	Addressed Adequately	TfNSW Submissions Report Response/Requirements
<p>4.1 The TIA needs to investigate upgrade work required for the interchange to meet current standards. A commitment from applicants for identified upgrade work required as a result of the proposal needs to be included as a requirement including strategic designs for TfNSW consideration</p>	<p>Council is working with TfNSW toward design and construction of improvements to the Pacific Highway interchange. This work has received a funding allocation within the Northern Gateway Project. There is a commitment from both Council and TfNSW to address the deficiencies of the interchange. This work will happen regardless and independent of this planning proposal. As such, it is onerous to request the applicant undertake work that will duplicate assessments proposed by TfNSW. This is also a long-standing design issue with the interchange, which should not be attributed to one project to resolve.</p>	<p>Yes</p>	<p>TfNSW reviewed the Council response and considers response addresses the issues raised. It is noted that Council and TfNSW are working towards developing a funding mechanism to undertake improvements to Pacific Highway interchange for northbound traffic. TfNSW has commenced investigation on upgrade works required for Pacific Highway northbound deceleration lane and exit ramp. No further comments.</p>



TfNSW Issue	MidCoast Council response	Addressed Adequately	TfNSW Submissions Report Response/Requirements
4.2	<p>Assessment of existing pavement and overbridge, has not been included in the investigation. If this assessment is beyond the scope of TIA, applicant should commit to undertake a separate assessment on pavement and overbridge structure.</p>	<p>1 Partially</p>	<p>TfNSW conducted its own enquiries/Investigations which confirms that the overbridge structure is adequate for current PBS 2B vehicles. As such, it is considered further assessments on overbridge structure is not required.</p> <p>It is recommended that:</p> <ul style="list-style-type: none"> <li>The applicant shall undertake pavement impact assessment for the section of Princes Street between the intersection of Princes St/Emerton Cl and the roundabout arrangement at the Pacific Highway southbound access. Any improvements/upgrade work required for road pavement as a result of increase in traffic generated by proposal should be identified in the assessment.</li> <li>The geometry of existing roundabout on southbound access should be assessed for PBS 2B vehicles. Any improvements/upgrade work required for road pavement as a result of increase in traffic generated by proposal should be identified in the assessment.</li> <li>A commitment from applicants for any identified upgrade work required as a result of the investigation outcome needs to be included as a requirement.</li> <li>Council should consider options for to enable equitable cost sharing of identified road/pavement upgrade works as a result of the future developments within Transport Hub and in other future developments in the area, apportioned relative to the number of trips generated by that development.</li> </ul>





CR2020/000016  
SF2011/001779  
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25 May 2020

General Manager  
MidCoast Council  
PO Box 450  
FORSTER NSW 2428

**Attention: Sue Calvin**

**PACIFIC HIGHWAY (H10): PUBLIC AUTHORITY CONSULTATION: STAGE 2 NORTHERN GATEWAY TRANSPORT HUB AT CUNDLETOWN – REVIEW OF UPDATED TRAFFIC IMPACT ASSESSMENT (DECEMBER 2019)**

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'.

TfNSW understands that MidCoast Council (Council) has received a Gateway Determination from the Department of Planning and Environment in respect of the subject planning proposal. The delegate of the Minister for Planning and Environment has directed Council to consult with TfNSW in relation to the planning proposal, and Council referred this application to TfNSW on 11 May 2018 for comments. TfNSW provided its response for this referral on 26 November 2018 recommending a Traffic and Transport Study to be prepared in accordance with the Roads and Maritime's Guide to Traffic Generating Developments 2002 and outlining specific requirements to include in the study.

In response to TfNSW recommendation, Council provided the Traffic Impact Assessment (TIA) prepared by Northern Transport Planning and Engineering (NTPE) dated July 2019. TfNSW reviewed the document, and provided comments on 5 November 2019, with the recommendation of preparing an amended TIA to address the TfNSW comments.

Council submitted the revised traffic impact assessment (amended TIA) prepared by Northern Transport Planning and Engineering (NTPE) dated December 2019 for TfNSW to review. On 05 January 2020, TfNSW received the referral by Council via email regarding the abovementioned amended Traffic Impact Assessment. This letter is a submission in response to that referral.

TfNSW understands that the proposed Northern Gateway is being developed in two Stages with a

total area of 74ha. Stage 1 (7ha) is adjacent to the Pacific Highway at Emerton Close, which has been rezoned and a development application approved to establish a transport/trucking depot. Stage 2 (67ha) seeks to extend the land available for transport related industries toward the airport.

The western connection of the Bypass to Main St (Pacific Highway) at or near Albert St is outside the scope of this amended TIA.

TfNSW note plans are currently being prepared for a Roundabout to be constructed at the intersection of Emerton Close/Princes Street.

### TfNSW Response & Requirements

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

Pacific Highway (H10) is a classified (State) road and Princes Street is a classified (Regional) road. Everton Street is a local road. Council is a local road. Council is the roads authority for these roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW have reviewed the amended Traffic Impact Assessment (amended TIA) prepared by Northern Transport Planning and Engineering (NTPE) dated December 2019.

While it is acknowledged the amended TIA addresses some of the comments previously provided by TfNSW in its response dated 26 November 2018, TfNSW note, outstanding issues previously raised that have not been addressed.

TfNSW highlighted these issues and provided feedback in the Table attached with this letter.

Should you require further information please contact Kumar Kuruppu, Development Assessment Officer, on 4908 7688 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely



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

Attach.



TNSW Issue	TNSW Previously Required Outcome in Submission	Addressed Adequately	TNSW Submissions Report Response/Requirements
<p>1 Roads and Maritime does not agree with the peak hour trip generation rates used by NTPA to calculate predicted peak hour trips. NTPA has used 0.6 trips per 100m2 Gross Leasable Floor Area (GLFA) for AM peak hour and 0.7 trips per 100m2 GLFA for PM peak hour, and states that these rates are RMS approved trip rates for Business Parks. However, these rates are lower than the average rates for business parks in regional areas provided in RMS Technical Direction, TDT 2013/04a. NTPA should adopt the average rates provided in TDT2013/04a and amend the TIA, or alternatively explain the reasons for the difference between RMS rate and the rate used in TIA.</p>	<p>NTPA should adopt the average rates provided in TDT2013/04a and amend the TIA, or alternatively explain the reasons for the difference between RMS rate and the rate used in TIA.</p>	<p>Yes</p>	<p>Section 5 of amended Traffic Impact Assessment (TIA) states for the purpose this revised assessment the trip rate of 0.70 trips /100m2 has been used for the AM Peak Hour and the trip rate of 0.78 trips /100m2 has been used for the PM Peak Hour. These rates agree with the trip generation rates provided in RMS Technical Direction, TDT2013/04a.</p>
<p>2 The Stage 2 of proposed development covers a total land area of 67 Ha. NTPA suggests less than half of this land is available for development due to environment constraints. For the purpose of calculating GLFA, NTPA has reduced the available development area further by 35%, making "active" GLFA to be 17.5% of total land area.</p>	<p>NTPA should provide detailed explanation on how these figures were derived in regards to reduction of GLFA for estimating trip generation.</p>	<p>Partial</p>	<p>Compared with the information in RMS Technical Direction, TDT2013/04a the explanation provided for the GFA ratio used for trip generation rates, 35%, is considered as reasonable.</p> <p>The amended TPIA suggests less than 50% of the total land area is not available for development due to environment constraints. The applicants are required to provide evidence for unavailability of &gt;50% of land for this development, or Council need to confirm why the developable land under the rezoning will be equal to or less than 33.5 ha which appears at odds with the purpose of the rezoning.</p>



TNSW Issue	TNSW Previously Required Outcome in Submission	Addressed Adequately	TNSW Submissions Report Response/Requirements
<p>3</p> <p>In its previous response, Roads and Maritime advised Council that the traffic and transport study for proposed Stage 2 development should include traffic analysis of any major / relevant intersections impacted using SIDRA or similar traffic model, including current traffic counts and 10 year traffic growth projections for with and without development scenarios. It was also requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation. It is noted that:</p> <ul style="list-style-type: none"> <li>The predicted AM and PM Peak Hour 2029 traffic flows detailed in TIA Figures 6-1 and 6-2 states "existing traffic flows" and "2019". As such it is not clear the diagrams are referring to correct diagram and/or the diagram are labelled incorrectly.</li> <li>The roundabout at the Pacific Highway interchange was not considered in the model.</li> </ul>	<p>The Sections 6 and 7 of TIA are required to be reviewed and amended to include all information required in the advice provided by previous Roads and Maritime response dated 26 November 2018.</p>	<p>Partial</p>	<p>Figures 6-1 and 6-2 of TIA have been updated to show predicted AM and PM Peak Hour 2029 traffic flows with the development scenario.</p> <p>However, the amended TIA fails to provide predicted AM and PM Peak Hour 2029 traffic flows for without development scenario.</p> <p>The advice provided in TNSW (formally Roads and Maritime) on 26 November 2-18 requires TIA to "identify the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Roads and Maritime and Council."</p> <p>The amended TIA investigated the Pacific Highway interchange and acknowledge that the arrangement of interchange for north bound traffic does not meet current standards, and requires upgrading measures. However, the only recommendation provided was to improve the warning signs for motorist exiting the highway</p> <p>The amended TIA need is required to provide commitments to address the proposed Stage 1 and Stage 2 work to ensure the safety and efficiency of the interchange, including strategic designs for TNSW consideration.</p>





TNSW Issue	TNSW Previously Required Outcome in Submission	Addressed Adequately	TNSW Submissions Report Response/Requirements
<p>4 In relation to Pacific Highway interchange, the Section 8 of TIA is referring to a study previously submitted to Council and states "review of this layout in context with other interchanges provided by the RMS suggests that the interchange meets current design standards and does not require any upgrades."</p> <p>Roads and Maritime does not agree with the above statement. This interchange was constructed over 20 years ago, and the relevant design standards and guidelines have since been updated. As such, this interchange shall be reviewed in accordance with current Austroads Guide to Road Design and relevant RMS supplements.</p>	<p>1 This interchange shall be reviewed in accordance with current Austroads Guide to Road Design and relevant RMS supplements. The review should include, but not limited to heavy vehicle types accessing through the intersection and frequency of movements, turning paths, and acceleration and deceleration lengths.</p> <p>2 Given the potential and significant increase in heavy vehicle movements, the impact on existing pavements and existing overbridge structure should also be assessed.</p>	<p>1. Partial</p> <p>2. No</p>	<p>1. The amended TIA acknowledges the layout of interchange for north bound traffic does not meet current standards and require upgrading measures. The review found it is necessary for any vehicle leaving the Highway would need to slow down before entering the deceleration lane in order to negotiate the "35kph curve" at the end of the deceleration lane. The alignment and layout of intersection including length of the deceleration lane are required to be upgraded.</p> <p>The amended TIA considers a need for additional signposting on the southern approach to the northbound exit ramp to advise drivers that the safe exit speed at this ramp is 90kph.</p> <p>The amended TIA further states "it is also considered that this signposting and any other improvement works considered necessary at the interchange relate to existing design deficiencies and do not relate to the impact of the proposed development." TNSW does not agree with this statement.</p> <p>The analyses in Section 5 "Trip Generation" of amended TIA, proposed Stage 1 trucking depot development, and other transport related industrial developments in Stage 2 with total land area of 67 ha, there will be significant increase in heavy vehicle movements as a result of proposal.</p> <p>The heavy vehicle type and frequency of movements for this development would not have been considered in the original design.</p> <p>The TIA needs to investigate upgrade work required for the interchange to meet current standards. A commitment from applicants for identified upgrade work required as a result of the proposal needs to be included as a requirement including strategic designs for TNSW consideration</p> <p>As informed by previous TNSW response dated 05 November 2019, Transport for NSW recently endorsed the NSW Heavy Vehicle Access Framework as a policy. Transport NSW's vision for next 5-10 years is to accommodate Performance Based Standards (PBS) Level 2B vehicles on whole length of Pacific Highway with supporting road network.</p> <p>2. Assessment of existing pavement and overbridge, has not been included in the investigation. If this assessment is beyond the scope of TIA, applicant should commit to undertake a separate assessment on pavement and overbridge structure.</p>





CR2019/003744  
SF2011/001779  
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05 November 2019

General Manager  
MidCoast Council  
PO Box 450  
FORSTER NSW 2428

**Attention: Michael Griffith**

**PACIFIC HIGHWAY (H10): PUBLIC AUTHORITY CONSULTATION: STAGE 2 NORTHERN GATEWAY TRANSPORT HUB AT CUNDLETOWN –TRAFFIC IMPACT ASSESSMENT, JULY 2019**

Reference is made to Council's email dated 16 August 2019, and subsequent email with SIDRA files on 19 August 2019 regarding the abovementioned Traffic Impact Assessment prepared by Northern Transport Planning and Engineering Pty Ltd and dated July 2019 which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands that Council has received a Gateway Determination from the Department of Planning and Environment in respect of the subject planning proposal. The delegate of the Minister for Planning and Environment has directed Council to consult with Roads and Maritime in relation to the planning proposal, and Council referred this application to Roads and Maritime on 11 May 2018 for comments. Roads and Maritime provided its response for this referral on 26 November 2018 recommending a Traffic and Transport Study to be prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002*, and outlining specific requirements to include in the study.

Roads and Maritime Response

Transport for NSW and Roads and Maritime'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.

Pacific Highway (H10) is a classified (State). Council is the roads authority for Pacific Highway (H10 and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

Roads and Maritime have reviewed the Traffic Impact Assessment (TIA) prepared by Northern Transport Planning and Engineering (NTPE) dated July 2019 and recommends TIA and associated SIDRA intersection modelling be updated to address following:

- Roads and Maritime does not agree with the peak hour trip generation rates used by NTPE to calculate predicted peak hour trips. NTPE has used 0.6 trips per 100m<sup>2</sup> Gross Leasable Floor Area (GLFA) for AM peak hour and 0.7 trips per 100m<sup>2</sup> GLFA for PM peak hour, and states that these rates are RMS approved trip rates for Business Parks. However, these rates are lower than the average rates for



business parks in regional areas provided in RMS Technical Direction, TDT 2013/04a. NTPA should adopt the average rates provided in TDT2013/04a and amend the TIA, or alternatively explain the reasons for the difference between RMS rate and the rate used in TIA.

- The Stage 2 of proposed development covers a total land area of 67 Ha. NTPA suggests less than half of this land is available for development due to environment constraints. For the purpose of calculating GLFA, NTPA has reduced the available development area further by 35%, making "active" GLFA to be 17.5% of total land area. NTPA should provide detailed explanation on how these figures were derived in regards to reduction of GLFA for estimating trip generation.
- In its previous response, Roads and Maritime advised Council that the traffic and transport study for proposed Stage 2 development should include traffic analysis of any major / relevant intersections impacted using SIDRA or similar traffic model, including current traffic counts and 10 year traffic growth projections for with and without development scenarios. It was also requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.

It is noted that:

- The predicted AM and PM Peak Hour 2029 traffic flows detailed in TIA Figures 6-1 and 6-2 states "*existing traffic flows*" and "*2019*". As such it is not clear the diagrams are referring to correct diagram and/or the diagram are labelled incorrectly.
- The roundabout at the Pacific Highway interchange was not considered in the model.

The Sections 6 and 7 of TIA are required to be reviewed and amended to include all information required in the advice provided by previous Roads and Maritime response dated 26 November 2018.

- In relation to Pacific Highway interchange, the Section 8 of TIA is referring to a study previously submitted to Council and states "*review of this layout in context with other interchanges provided by the RMS suggests that the interchange meets current design standards and does not require any upgrades.*"

Roads and Maritime does not agree with the above statement. This interchange was constructed over 20 years ago, and the relevant design standards and guidelines have since been updated. As such, this interchange shall be reviewed in accordance with current Austroads Guide to Road Design and relevant RMS supplements. The review should include, but not limited to heavy vehicle types accessing through the intersection and frequency of movements, turning paths, and acceleration and deceleration lengths.

Given the potential and significant increase in heavy vehicle movements, the impact on existing pavements and existing overbridge structure should also be assessed.

### Advice to Council

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

- The property has a common boundary with H10 Pacific Highway which has been declared as Controlled Access Road by notification in Government Gazette No 98 of 27/08/1999 Folio 7542. Direct access across this boundary is restricted as shown highlighted between points A-B-C-D on attached DP862373. Additionally, access to and from the Pacific Highway and Emerton Close is restricted. Access is available via the western end of Emerton Close and from Denison Street.

- Transport for NSW recently endorsed the NSW Heavy Vehicle Access Framework as a policy. Transport NSW's vision for next 5-10 years is to accommodate Performance Based Standards (PBS) Level 2B vehicles on whole length of Pacific Highway with supporting road network. As such, it is recommended Council to ensure the road network impacted by proposed development complies with this policy.

Should you require further information please contact Kumar Kuruppu, Development Assessment Officer, on 4908 7688 or by emailing [development.hunter@rms.nsw.gov.au](mailto:development.hunter@rms.nsw.gov.au).

Yours sincerely



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



**Planning,  
Industry &  
Environment**

Our ref: DOC19/964088-16  
Your ref: PP\_2017\_MCOAST\_09\_00

Sue Calvin

Senior Strategic Planner  
Midcoast Council  
[sue.calvin@midcoast.nsw.gov.au](mailto:sue.calvin@midcoast.nsw.gov.au)

Dear Ms Calvin

### **Northern Gateway Stage 2 Planning Proposal – further advice**

I refer to your letter dated 7 July 2020 in which you provided a response to Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment's recommendations for a planning proposal at Cundletown, known as Northern Gateway Stage 2.

BCD is satisfied that our 11 previous recommendations have been satisfactorily addressed and no further biodiversity or flooding assessment is required during the planning proposal stage.

If you require any further information regarding this matter, please contact Anne Browett, Senior Conservation Planning Officer, on 4927 3160 or via email at [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au)

Yours sincerely



4 August 2020

**STEVEN COX**  
Senior Team Leader Planning  
Hunter Central Coast Branch  
Biodiversity and Conservation Division



Our ref: DOC19/964068/8

Your ref: PP\_2017\_MCOAST\_09\_00

Sue Calvin

Senior Strategic Planner  
Midcoast Council  
[Sue.calvin@midcoast.nsw.gov.au](mailto:Sue.calvin@midcoast.nsw.gov.au)

Dear Ms Calvin

**Northern Gateway Stage 2 Planning Proposal**

I refer to your email dated 4 November 2019 seeking Biodiversity and Conservation Division (BCD) comment on a planning proposal for the Northern Gateway Transport Hub located off Emerton Close, Cundletown.

BCD has no concerns in relation to Aboriginal Cultural Heritage. BCD's recommendations on biodiversity and flooding are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Brendan Mee, Senior Conservation Planning Officer, on 4904 2730 or via email at [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink that reads 'N Davis'.

**NICOLE DAVIS**  
A/Senior Team Leader Planning  
Hunter Central Coast Branch  
Biodiversity and Conservation Division  
25 November 2019

Enclosure:      Attachments A and B



### BCD's recommendations

#### Northern Gateway Stage 2 - Planning Proposal

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1. BCD recommends that the ecological assessment is updated to include consideration of the requirements of the BC Act and the Biodiversity Assessment Method (BAM), including an assessment of avoidance and minimisation measures in accordance with the BAM and an outline of the likely offsetting obligations for the site.
2. BCD recommends that further justification is provided on the proposed impacts in areas of paperbark swamp forest and swamp oak forest that may form part of the Swamp Sclerophyll Forest on Coastal Floodplains and Swamp Oak Floodplain Forest on Coastal Floodplains EECs and that consideration is given to taking a precautionary approach and avoiding impacts to this vegetation.
3. BCD recommends that the planning proposal assess the impact of changes in hydrological regimes associated with the development, including any proposed filling on the Swamp Sclerophyll Forest on Coastal Floodplains and Swamp Oak Floodplain Forest on Coastal Floodplains EECs.
4. BCD recommends that further justification is provided on why the area of EEC associated with the drain and billabong have not been included within the proposed E2 zone.
5. BCD recommends that the biodiversity assessment is updated to include assessment of threatened flora within the locality that has not been considered.
6. BCD recommends that any further targeted flora surveys are undertaken in accordance with the NSW Guide to Surveying Threatened Plants (OEH 2016).
7. BCD recommends that maps showing the areas and methods of targeted flora and fauna surveys are provided in an updated biodiversity assessment.
8. BCD recommends that the biodiversity assessment includes appropriate assessment of all threatened fauna species that may occur in the area, with particular consideration of species where there are records within the study area, including the black-necked stork, glossy black-cockatoo and yellow-bellied glider.
9. BCD recommends that further justification is provided to support the assessment that the site does not contain core koala habitat, with reference to the recent records within the immediate surrounds of the study area.
10. BCD recommends that the biodiversity assessment includes further information on the disturbance history of the cleared area on the western side of the study area and the associated approvals pathway.
11. BCD recommend that the flood impacts of filling are assessed prior to development of the site.

## BCD's detailed comments

### Northern Gateway Stage 2 – Planning Proposal

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#### Biodiversity

1. The ecological assessment should be updated with reference to the *Biodiversity Conservation Act 2016*

The planning proposal has included an Ecological Constraints Assessment prepared by Naturecall Environmental, dated April 2016. This ecological assessment was prepared prior to commencement of the *Biodiversity Conservation Act 2016* (BC Act) and has not considered the requirements of this legislation and the associated biodiversity offsets scheme. The ecological assessment for the site should be updated to include consideration of the requirements of the BC Act and the Biodiversity Assessment Method (BAM), including an assessment of avoidance and minimisation measures in accordance with the BAM and an outline of the likely offsetting obligations for the site.

#### Recommendation 1

BCD recommends that the ecological assessment is updated to include consideration of the requirements of the BC Act and the Biodiversity Assessment Method (BAM), including an assessment of avoidance and minimisation measures in accordance with the BAM and an outline of the likely offsetting obligations for the site.

2. Further justification is required on proposed impacts on possible EECs on site

There are areas of vegetation within the proposed industrial zone that have been assessed as being consistent with listed Endangered Ecological Communities. This includes the areas of paperbark swamp forest and immature swamp forest on Lot 16 and the area of swamp oak swamp forest on Lot 681. The ecological assessment indicates that whilst these areas are above the mapped 1:100 Average Recurrence Interval (ARI), the slope, continuity of the alluvial soils, signs of waterlogging and limitations of the calculation of the 1:100 ARI suggest it may be an underestimate in the study area. Given this uncertainty and that the vegetation meets all other criteria of the EECs, further justification should be provided on the proposed impacts in these areas and consideration should be given to taking a precautionary approach and avoiding impacts to this vegetation.

#### Recommendation 2

BCD recommends that further justification is provided on the proposed impacts in areas of paperbark swamp forest and swamp oak forest that may form part of the *Swamp Sclerophyll Forest on Coastal Floodplains* and *Swamp Oak Floodplain Forest on Coastal Floodplains* EECs and that consideration is given to taking a precautionary approach and avoiding impacts to this vegetation.

3. Impacts of hydrological change on EEC

One of the key threats to *Swamp Sclerophyll Forest on Coastal Floodplains* and *Swamp Oak Floodplain Forest on Coastal Floodplains* EECs is changes to hydrological regimes, including the impacts of infill and altered inundation conditions. There has not been any assessment of the possible impacts of changes to hydrological regimes on the EECs in the study area.

#### Recommendation 3

BCD recommends that the planning proposal assess the impact of changes in hydrological regimes associated with the development, including any proposed filling on the *Swamp Sclerophyll Forest on Coastal Floodplains* and *Swamp Oak Floodplain Forest on Coastal Floodplains* EECs.

4. Further justification is required on inclusion of freshwater wetland EEC within the industrial zone

The large dam on Lot 681 has been assessed as being consistent with the *Freshwater Wetlands on Coastal Floodplains* EEC and has been proposed to be included in an E2 zone. The lower drain and associated billabong on Lots 1 and 2 have also been assessed as being consistent with this EEC, however have been included within the proposed industrial zone. It is not clear why these areas of EEC and an associated buffer for the 1<sup>st</sup> order watercourse has not been included within the proposed E2 zone. Including this watercourse and area of EEC within the E2 zone would also increase the connectivity and conservation value of the small area currently proposed as E2 over the existing freshwater wetland area.

#### Recommendation 4

BCD recommends that further justification is provided on why the area of EEC associated with the drain and billabong have not been included within the proposed E2 zone.

5. Additional threatened flora species in the locality need to be assessed

The ecological assessment states that searches of relevant literature and databases found records of only one threatened flora species in the locality (slaty red gum). There are a number of additional threatened flora species that have been recorded within 10 km of the site that were not included, including *Rhodamnia rubescens*, *Rhodomyrtus psidioides*, *Maundia triglochmoides*, *Asperula asthenes* and *Pterostylis chaetophora*. Whilst some of these species have been considered separately in the ecological assessment, all of the threatened flora within the locality should be assessed within an updated biodiversity assessment and targeted surveys undertaken where necessary.

#### Recommendation 5

BCD recommends that the biodiversity assessment is updated to include assessment of threatened flora within the locality that has not been considered.

6. Targeted flora surveys should be undertaken in accordance with the NSW Guide to Surveying Threatened Plants (OEH 2016)

Threatened flora surveys were undertaken using the random meander technique. This method is no longer considered suitable as it typically fails to adequately cover all habitat, particularly in relation to cryptic and smaller species, and actual area of land surveyed. Typically, the observer keeps to accessible ground or well-worn tracks and fails to consistently survey across all known / suitable habitat. BCD preference is parallel field traverses, with width spacing based on species detectability and habit. This ensures all suitable habitat is adequately surveyed. This method is outlined within the NSW Guide to Surveying Threatened Plants (OEH 2016) and targeted flora surveys should be undertaken in accordance with this guide.

#### Recommendation 6

BCD recommends that any further targeted flora surveys are undertaken in accordance with the NSW Guide to Surveying Threatened Plants (OEH 2016).





7. Targeted survey mapping should be provided

No mapping has been provided within the ecological assessment showing the areas where targeted flora and fauna surveys were undertaken.

Recommendation 7

BCD recommends that maps showing the areas and methods of targeted flora and fauna surveys are provided in an updated biodiversity assessment.

8. Threatened fauna assessment should be updated to consider species known to occur within the study area

The threatened black-necked stork, glossy black-cockatoo and yellow-bellied glider have been assessed as a low likelihood of occurrence, despite there being records within the study area.

Recommendation 8

BCD recommends that the biodiversity assessment includes appropriate assessment of all threatened fauna species that may occur in the area, with particular consideration of species where there are records within the study area, including the black-necked stork, glossy black-cockatoo and yellow-bellied glider.

9. Further justification on the koala habitat assessment is recommended

The ecological assessment states that the majority of the koala records in the area are from prior to 2006 and concludes that the koala may be locally extinct. There is a koala record within the study area from 2015 and a koala record approximately 300 metres to the south of the site from 2017. These records suggest the koala may still be utilising the site and that further assessment may be required.

Recommendation 9

BCD recommends that further justification is provided to support the assessment that the site does not contain core koala habitat, with reference to the recent records within the immediate surrounds of the study area.

10. Further information on previous clearance of vegetation should be provided

The ecological assessment report identifies that a large area of vegetation on the western side of the study area in the *Melaleuca* forest red gum closed forest had been recently cleared. This appears to have occurred between Aug 2015 and Aug 2016. It is recommended that the biodiversity assessment includes further information on the disturbance history of this cleared area and the associated approvals pathway.

Recommendation 10

BCD recommends that the biodiversity assessment includes further information on the disturbance history of the cleared area on the western side of the study area and the associated approvals pathway.

## **Flooding and flood risk**

11. The flood impacts of filling will need to be assessed prior to development of the site

BCD has reviewed the Environmental Impact Statement (Northern Gateway Transport Hub – Stage 2, Nov 2019) and is satisfied that proposed rezoning is compatible with the flood hazard



of the land. BCD also note that some level of filling and landform modification will be required to effectively drain the land. The proponent will be required to assess the flood impacts of this filling prior to development of the site.

### Recommendation 11

BCD recommend that the flood impacts of filling are assessed prior to development of the site.