

16 December 2020

NSW Department of Planning, Industry & Environment  
Modification Assessments  
GPO Box 39  
SYDNEY NSW 2001

**Attention: Emma Butcher**

**WINE COUNTRY DRIVE (MR220): MP10\_0137 MOD 14 – RESPONSE TO SUBMISSIONS, MODIFICATION TO MAJOR PROJECT APPROVAL FOR HUNTLEE NEW TOWN, STAGE 5 (LARGE LOTS)**

On 25 November 2020, TfNSW accepted the referral by Department of Planning, Industry and Environment (DPIE) through the Planning Portal regarding the abovementioned application. DPIE referred the application to TfNSW for comment. This letter is a submission in response to that referral.

Transport understands Mod 14 to be for the following amendments to residential Stage 5 (large lots):

- Modification of road alignments
- Extension of lot boundaries
- Deletion of 10 lots.

TfNSW Response

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.

Wine Country Drive (MR220) is a classified State road. Council is the roads authority for this and all other public roads in the area, with the exception of the Hunter Expressway (M15), in accordance with Section 7 of the *Roads Act 1993*. Transport has reviewed the referred information, including the Response to Submissions (RTS) report by Ethos Urban, dated 11 November 2020, and provides the following comments to assist the consent authority in making a determination:

- In TfNSW response dated 12 October 2020, the following was included:
  - *It is noted that the proposed public road running north-south through the site was previously proposed to terminate as a cul-de-sac near the southern boundary. Under Mod 14, lots 83 and 84 will be positioned between the cul-de-sac and the southern boundary.*
  - *TfNSW consider that the provision of the north-south road aligning to the southern boundary will allow for future extension to the road, for the case where land to the south is subdivided or zoned to permit compatible development. The extension of this road to facilitate connection to future development will minimise the number of intersections onto Wine Country Drive, and reduce the reliance on Wine Country Drive as a local road for local traffic.*

In response, the RTS states:

*Future development to the south of the site is unknown. WCD is the main north-south thoroughfare and will ensure connectivity from the Huntlee site to any future development in the south. Furthermore, the Huntlee roads proposed within the large lot area are local roads and creating a 'rat-run' would introduce safety risks. It is noted the site to the south is zoned as RU2 and is not included in any future urban release or investigation areas, and providing access at this stage is premature, with future development of that site unlikely.*

TfNSW recommends DPIE consider the potential for future rezoning and development to the south and connectivity between the local catchments without the reliance on Wine Country Drive. Wine Country Drive is a state road, and minimising accesses will improve safety and efficiency.

- The Project Approval detailed the required large lot intersection as:

*The Wine Country Drive / Large Lot access (A – 9) shall be upgraded to an Austroads CHR / CHL intersection or seagull (prior to any dwelling in R5 zone west of Wine Country Drive).*

A Civil Sketch of the proposed CHR / CHL has been provided by Northrop, dated 4 November 2020. TfNSW raises no objection to the proposed intersection, and provides the following comments to assist with refining the design for the WAD documentation:

- The current design shows the cyclist location for low speed solutions. Cyclist should be positioned on left side of deceleration lane in the shoulder at this posted speed. This will require a cross with care at approximately 45 degrees near the splitter island. This will then change the offset left deceleration lane slightly adding some chevron area for the intended sight line for the side road waiting driver. There should be a minimum of 67m of C1 line from the start of the taper as specified by Austroads part 4a table 5.2 for the design speed of 100km/hr (90km/h plus 10km/h).
- Provide a median island on the local road to guide right turning traffic in and out. Swept paths should be adjusted so they don't travel over the centreline.
- There should be some on road space for an on road cyclist to turn left into the subdivision.

- There is an approved development to the south at 1432 Wine Country Drive, which is to provide an CHR and AUL. The proposed intersections overlap slightly with a barrier finishing just as the left turn deceleration lane starts for this project, which depending on the batters slope adopted may require some barrier extension.
- As road works are required on Wine Country Drive (MR220), TfNSW will require the developer to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW 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 DPIE advise the developer that the Conditions of Consent do not guarantee TfNSW'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. TfNSW 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 TfNSW.*

- All road works under the WAD shall be completed prior to issuing any Subdivision Works Certificate for the development.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW.
- TfNSW will require a restriction be placed on any proposed lots that have a boundary to Wine Country Drive to ensure that no direct access is provided between these lots and the classified State road corridor. On the provided plans, these are lots 12 to 15, 67, 68, 73 to 82.
- DPIE 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.
- DPIE should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austrroads 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 intersection promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Wine Country Drive stormwater drainage system. DPIE 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.
- DPIE 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 Wine Country Drive, 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.

- TfNSW highlights that it is the consent authority's responsibility to consider the environmental impacts under Part 4 of the *Environmental Planning and Assessment Act 1979* for any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent.

On determination of this matter, please forward a copy of the Notice of Determination to TfNSW for record and action purposes. Should you require further information please contact me on 0475 825 820 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', with a stylized flourish at the end.

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

## **Attachment A: Works Authorisation Deed (WAD) Advice to Consent Authority and Developer**

### **Advice to the Consent Authority**

- On determination of the proposal a copy of the Notice of Determination should be forwarded to Transport for NSW (TfNSW) within the appellant period for advice / consideration and action where required.
- Conditions of development consent do not guarantee TfNSW consent to the specific road works, traffic control signals and /or other structures or works for which it is responsible. The developer must obtain TfNSW authorisation in writing prior to the commencement of any road works on Wine Country 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 TfNSW Project Manager is recommended. TfNSW 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. TfNSW 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 TfNSW is satisfied that all requirements under the WAD have been met by the developer, including TfNSW 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. TfNSW 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 TfNSW 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 TfNSW, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of TfNSW design requirements, in particular the Austroads *Guide to Road Design* (with TfNSW 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](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 TfNSW 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>