

30 September 2022

Our Ref: STH18/00196/14  
Your Ref: SF10851 (CNR-15163)

Shoalhaven City Council  
BY EMAIL: [Development@shoalhaven.nsw.gov.au](mailto:Development@shoalhaven.nsw.gov.au)  
CC: [andre.vernez@shoalhaven.nsw.gov.au](mailto:andre.vernez@shoalhaven.nsw.gov.au)

Attention: Andre Vernez

**SF10851 (CNR-15163) - SIX LOT TORRENS TITLE SUBDIVISION AND ASSOCIATED INFRASTRUCTURE WORKS – LOT: 1 DP: 520502, LOT: 110 DP: 131219 AND LOT: 129 DP: 3060 (NO.25) MOSS VALE ROAD, BOMADERRY**

Dear Andre,

Transport for NSW (TfNSW) is responding to the above Development Application (DA) that has been re-referred for comment on 10 August 2022 as well as the subsequent discussions that have been had with Council staff.


TfNSW has reviewed the additional information provided and has **no objections** to the proposed development **provided the conditions in Attachment 1** are included in any development consent issued.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

Upon determination of this matter, please forward a copy of the Notice of Determination to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au).

Should you require any further information please contact Andrew Lissenden on 0418 962 703.

Yours sincerely



**Andrew Lissenden**  
Development Case Officer, Development Services (South Region)

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### Context

TfNSW notes for this DA:

- The key state classified road is Moss Vale Road;
- the additional information and amended plans provided (refer to **Attachment 2**) have sought to address comments that TfNSW previously provided;
- the proposed development will be providing traffic signals at its main eastern access point/connection with Moss Vale Road, bus bay facilities within Moss Vale Road, and an emergency access/egress point connecting to Moss Vale Road at the western end of the development;
- consent from TfNSW under Section 87 of the *Roads Act 1993* is required for the proposed traffic signals. In addition, TfNSW concurrence under Section 138 of the *Roads Act 1993* is required for any works required within the Moss Vale Road road reserve (e.g. connection of the emergency access to Moss Vale Road, bus bay); and
- there is no currently funded project which impacts the subject property, however, TfNSW has determined that predicted future traffic volumes along Moss Vale Road will likely require potential upgrades to the adjoining road network that will have a direct impact on the development site. As such, TfNSW is seeking to preserve land within the development site (along its northern boundary - refer to **Attachment 2**) so it remains free of infrastructure and/or buildings associated with future developments on the lots to be created that are adjacent to Moss Vale Road.

### Conditions

1. **Prior to the issuing of the Subdivision Works Certificate, the developer/proponent must:**
  - a) Enter into a Works Authorisation Deed (WAD) with the TfNSW or other suitable arrangement as agreed to by TfNSW, for all works on Moss Vale Road (i.e. traffic signals, bus bay, western emergency access/egress point).

Notes:

- *To initiate the WAD process, the developer needs to email a copy of the conditions of development consent to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au).*
- *A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road and/or install traffic signals.*
- *All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: [www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html](http://www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html)*
- *Any new services or modifications to existing services associated with this development application that involve works on, over or under Moss Vale Road (as defined the area from kerb to kerb) must be incorporated into and managed under, the Works Authorisation Deed for the project. It is the developer's responsibility to identify these works to the TfNSW project manager.*

- More information on WADs can be found at:

[www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf](http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf)

- b) Update the designs for the works on Moss Vale Road (i.e. traffic signals, bus bay, western emergency access/egress point) to ensure they address the matters detailed in **Attachment 3** to the satisfaction of TfNSW.

Note:

- Additional design matters may be identified as part of the WAD detailed design review undertaken by TfNSW.
- c) Update all the plans to the satisfaction of TfNSW to show/demonstrate the land to be preserved along the development site's northeast/Moss Vale Road boundary for the future widening of Moss Vale Road (i.e. the land between the existing Moss Vale Road boundary and the line on the plan with the notation 'land required for possible future road widening' as shown in Attachment 2), is free of the new infrastructure associated with the approved development. This includes, but is not limited to, the provision of electricity, telecommunications, gas, sewer, and water infrastructure that is associated with the subdivision and excludes that infrastructure required at the development's access points or to deal with drainage/overland flow that crosses the site or as agreed to in writing by TfNSW. The updated plans must be approved by the Certifier.
- d) Pay TfNSW's costs involved with the delivery of the works, including costs associated with the signals themselves as well as project management and surveillance, unless otherwise agreed to by TfNSW.
- e) Identify a single construction access point to and from Moss Vale Road to be used. Should works be required within Moss Vale Road for the construction access point Section 138 consent under the *Roads Act 1993* shall be obtained from Shoalhaven City Council for the construction access point works that are required.

Note:

- Provided Council is satisfied the works have been designed in accordance with the relevant Council standard TfNSW issues its concurrence under Section 138 of the *Roads Act 1993* for that component of works associated with the construction access that impacts upon the Moss Vale Road road reserve.

**2. Prior to commencing works within the Moss Vale Road road reserve, the developer/proponent must:**

- a) Obtain TfNSW acceptance to the detailed design and TfNSW concurrence under Section 138 of the *Roads Act 1993* for the works associated with the WAD.

Notes:

- TfNSW will be exercising its powers under Section 64 of the *Roads Act, 1993* to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
- b) Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW.
- c) Apply for and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing works within three (3) meters of the travel

lane of a state classified road (i.e. Moss Vale Road) or work that has the potential to impact traffic flow such as the use of traffic control devices or signage to protect workers.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.

**3. Prior to the issuing of the Subdivision Certificate, the developer/proponent must:**

- a) Include Restrictions as to User via an 88B instrument on the plan for the land/lots abutting Moss Vale Road to:
  - i) ensure sufficient land as required by TfNSW, as generally shown in Attachment 2 and agreed to by TfNSW, is preserved and will not be impacted by future infrastructure and/or buildings associated with future developments. The instrument must contain a provision that it cannot be varied, modified, or released without the written consent of TfNSW.
- b) Have obtained written approval/confirmation from TfNSW that the provisions in Condition 3 a) have been met to its satisfaction.

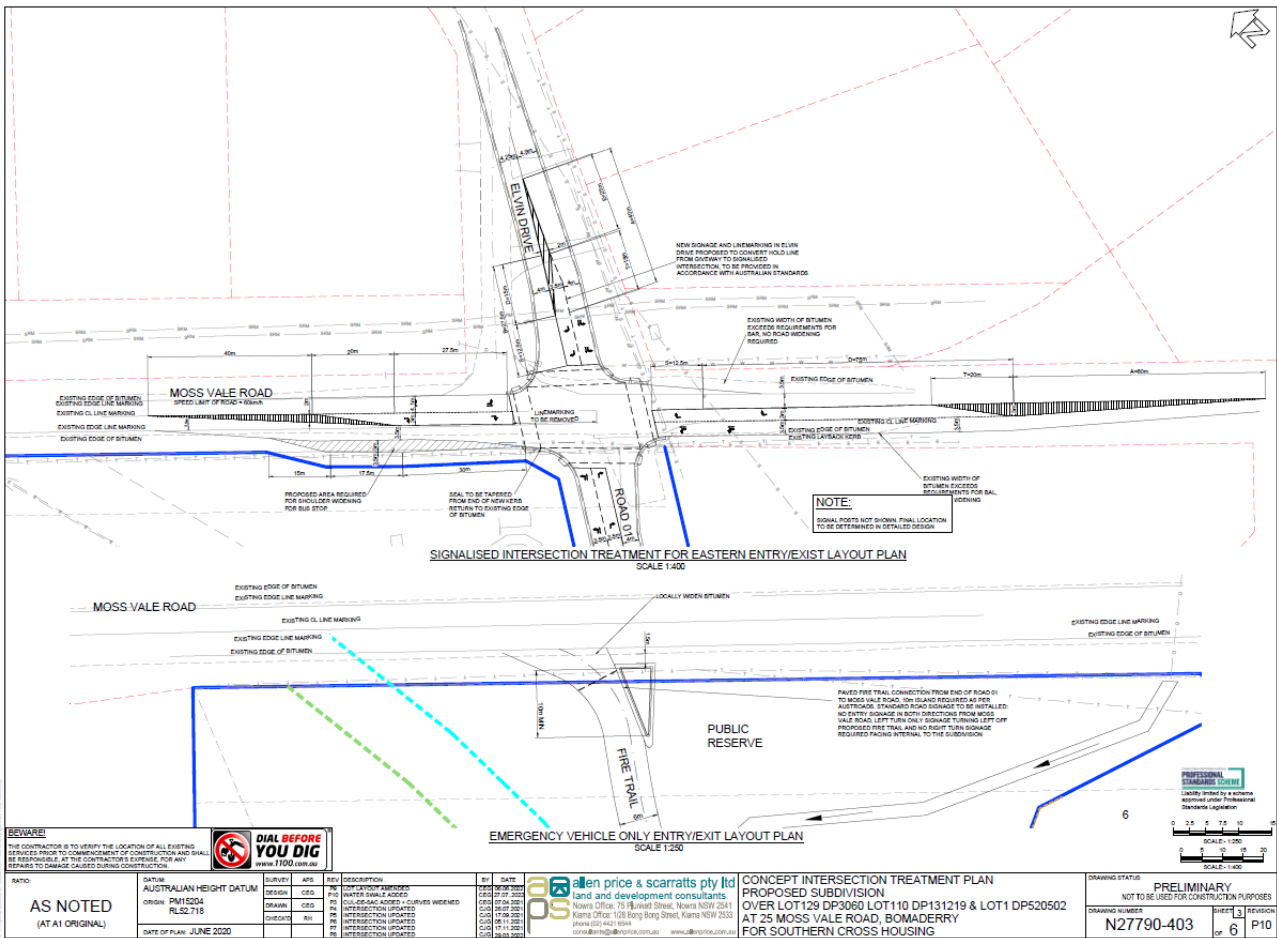
Notes:

- To obtain written confirmation as per Part b) above you will need to email TfNSW Development Services South via [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au) with supporting documentation to demonstrate compliance with Part a).
- c) Provide certification to TfNSW that the land to be preserved along the development site's northeast/Moss Vale Road boundary for the future widening of Moss Vale Road, as shown in Attachment 2 is free of the new infrastructure associated with the approved development which includes, but is not limited to, electricity, telecommunications, gas, sewer, and water infrastructure and excludes that infrastructure required at the development's access points or to deal with drainage/overland flow that crosses the site or as agreed to in writing by TfNSW.
  - d) Have completed all required works within Moss Vale Road road reserve (i.e. traffic signals at the eastern access point, bus bay, western access/egress point, associated pavement marking and signage, etc) to the satisfaction of TfNSW, generally in accordance with Attachment 2 and 3, *Austrroads Guide to Road Design* and other relevant standards. Written confirmation must be obtained from TfNSW in relation to the above.

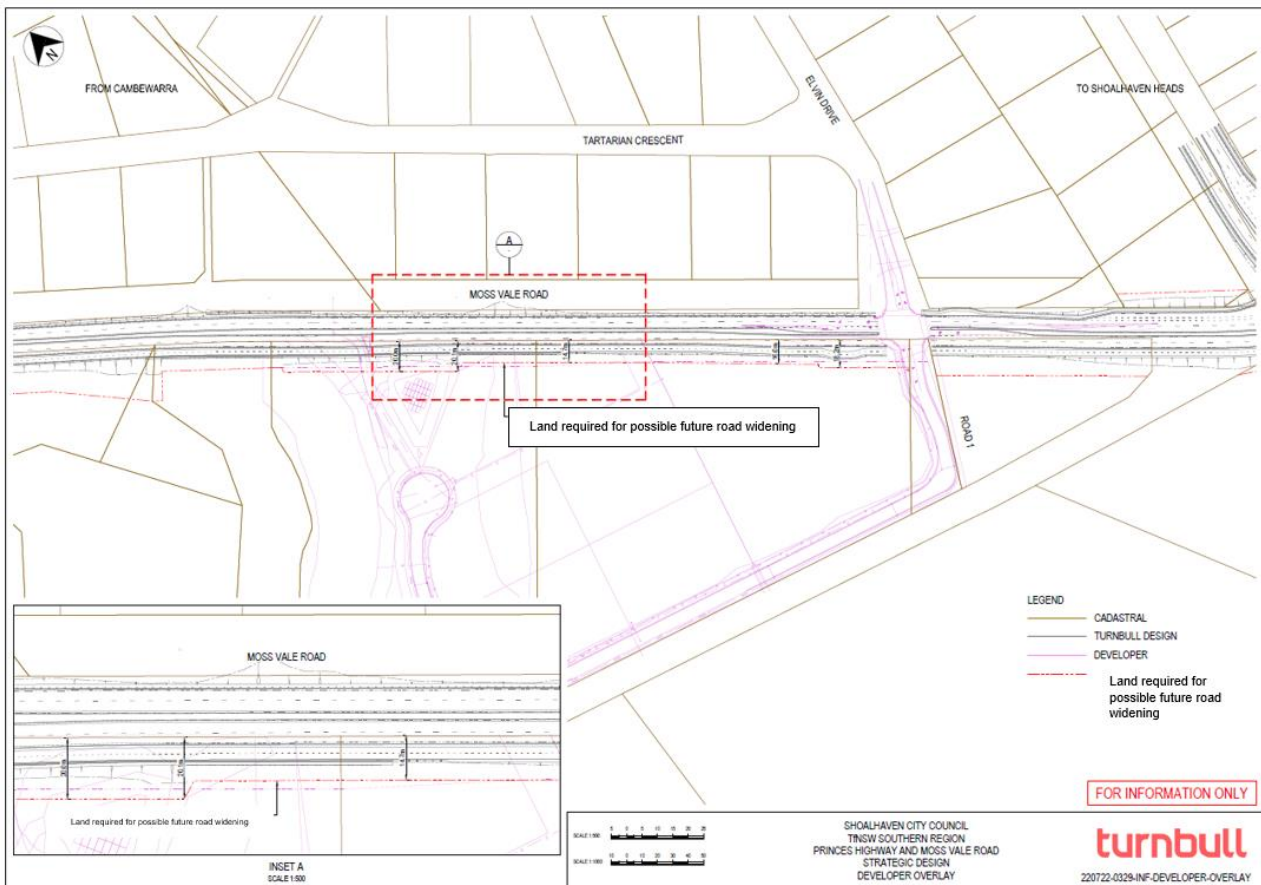
*Note:*

- *All works need to be completed at no cost to TfNSW.*
  - e) Ensure any additional land that is outside the existing Moss Vale Road road reserve and is required as a public road reserve, as a result of the construction of the traffic signals, bus bay, and western emergency access/egress point is dedicated as a public road to the satisfaction of Council and TfNSW.
4. Post registration of the subdivision and for the life of the development:
- a) the western access point/connection with Moss Vale Road is to be used as an emergency fire access/egress point and not used as a public access/egress point.
  - b) the largest size vehicle to access subdivision is to be a 12.5m heavy rigid vehicle (HRV).

Amended access arrangements



Land required for possible future road widening by TfNSW



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1. The traffic signals shall be designed in accordance with *Austroads Guide to Road Design Part 4a: Unsignalised and signalised intersections*, *Austroads Guide to Traffic Management Part 6: Intersections, Interchanges, and Crossings (2007)*, and the *RTA's Traffic Signal Design (2008)*.
2. The painted medians must be designed similar to a Rural Channelised Right (CHR) treatment (refer to Figure A 8 *Austroads Guide to Road Design Part 4*) with the appropriate radii for the edge of median and edge lines. Kinks in the alignment are not allowed and are to be removed.
3. An assessment is required (i.e. a detailed civil engineering long section of the road) to demonstrate that the stopping sight distance (SSD) for vehicles approaching from the west will be able to comply with Section A.2.6 Sight Distance at Constrained Urban Intersections in *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* is required (e.g. sight distance to the tail of any stopped vehicles should be checked for the higher speed). Consideration may need to be given to the installation of counter measures (e.g. overhead mast arm, flashing warning lights) to advise of the change in the road environment.
4. An assessment of the existing street lighting in the vicinity of the proposed traffic signals is to be undertaken. Where required, the existing lighting shall be upgraded/provided in accordance with Australian Standard AS/NZS1158. Details shall be provided.
5. Pavement design associated with the signals (i.e. the detectors, proposed pavement reconstruction works, etc) shall be in accordance with Austroads standards (e.g. *Austroads Pavement Design Guideline 2017*). Details shall be provided.
6. Any drainage works required shall be in accordance with TfNSW requirements. Designs and associated calculations shall be provided.
7. A detailed pavement marking and signposting plan in compliance with TfNSW delineation guidelines and other relevant standards shall be provided. This shall include, but not be limited to, regulatory signage to delineate the bus stops clear of the through lanes on both the northern side (northeast corner of the signalised intersection on departure from the signals) and southern side (southwest corner of the signalised intersection on departure from the signals) of Moss Vale Road.