

27 January 2022

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

Attention: James McDonough

SSD 9094 - SAND AND GRAVEL QUARRY, 511 DALSWINTON ROAD DALSWINTON

I refer to the request by the Department of Planning, Industry and Environment (DPIE) dated 22 December 2021 seeking input from Transport for NSW (TfNSW) to the Environmental Impact Statement (EIS) for the abovementioned development proposal.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy 2056*.

The Golden Highway (HW27) is a classified State road. Muswellbrook Shire 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 provided and raises no objection to the proposed development, provided the following recommendations are included in conditions of development consent as part of the safety, efficiency and ongoing operation of the frontage classified State Road:

- A left turn deceleration lane and lighting.
- As road works are required on the Golden Highway (HW27), 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 Council 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.

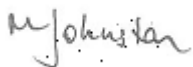
The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

- All road works under the WAD shall be completed prior to issuing any Occupation Certificate / commencement of intensified operation 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 or Council, and to Council's requirements.

TfNSW highlights that in determining the application under Part 4 of the *Environmental Planning and Assessment Act, 1979*, it is the consent authority's responsibility to consider the environmental impacts of 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. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

On DPIE's determination of this matter, please forward a copy of the Notice of Determination to development.north@transport.nsw.gov.au. Should you require further information please contact Masa Kimura Development Services Case Officer, on 02 4908 7688 or 0407 707 999 by emailing development.north@transport.nsw.gov.au.

Yours sincerely



Marg Johnston

Team Leader Development Services
North Region | Community & Place
Regional & Outer Metropolitan

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 the Golden Highway (HW27) 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.
- 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.
<https://roads-waterways.transport.nsw.gov.au/business-industry/partners-suppliers/technical-services-scheme/index.html>