

File No: NTH11/00154; CR2013/001330
Your Ref: SSD_4975

The Director
Mining & Industry Projects
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attn: Mr Matthew Riley – Planning Officer

Dear Mr Riley

**HW29 Kamilaroi Highway. Watermark Coal Project
Exhibition of Environmental Impact Statement (SSD_4975).**

I refer to your letter dated 20 February 2013 regarding the exhibition of the State Significant Development Application forwarded to Roads and Maritime Services (RMS) for consideration.

1. RMS roles and responsibilities

The key interests for RMS are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, RMS has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. The Kamilaroi Highway (HW29) is a classified (state) road. Gunnedah Shire Council is the 'Roads Authority' for this road and all other public roads in the subject area. RMS concurrence is required under Section 138 of the Act for works on this road with Council's consent.

2. RMS response

RMS has undertaken a review of the exhibited Environmental Impact Statement (EIS) and considers that a number of important issues will need to be addressed prior to your Department's determination of the project application.

The EIS has not included sufficient detail to enable RMS to provide suitable draft conditions for the establishment of appropriate agreements to facilitate the construction, maintenance and decommissioning of the proposed 'Kamilaroi Highway Deviation and Rail Overpass'. RMS considers that such agreements are necessary to address the impacts of the proposed development on the safety and efficiency of the classified road. The following issues are of concern to RMS;

- 2.1 The EIS has identified potential changes to surface water flows in the Watermark Gully catchment with subsequent impacts upon flood related flows affecting the Kamilaroi Highway. RMS notes that the Traffic & Transport Impact Assessment has not addressed the impact of these increased flows on the safety and efficiency of the Highway. RMS requests that the EIS be amended to include a suitable assessment of the impact upon the highway and any proposed mitigation measures required to address these impacts.
- 2.2 RMS notes that the proposed 'Kamilaroi Highway Deviation and Rail Overpass' will necessitate acquisition, dedication and occupation of land associated with the road reserve of the Kamilaroi Highway. Subsequently, the Developer will be required to obtain the approval of the relevant Roads Authority, (Gunnedah Shire Council) and the concurrence of RMS in accordance with the provisions of the *Roads Act 1993*. The exhibited EIS does not provide sufficient detail for RMS to provide concurrence at this time.
- 2.3 An agreement will be required to specify the minimum height and width clearances to the highway to the satisfaction of Council and RMS. Additionally, the agreement should ensure that the construction, operation and decommissioning of the 'Kamilaroi Highway Deviation and Rail Overpass' is captured by an agreement that is vested in the subject land, which is binding and transferable to any subsequent property owner and/or operator of the proposed development, and which will include the provision of an appropriate security to be held against the failure of the development and/or the structure. The reason for such an agreement is to ensure that the proposed 'Private Haul Road Overbridge' will not impact adversely upon the safety and efficiency of the highway during the operational life of the development and will not result in a future liability to the public upon completion of the development.

3 Advice to the Consent Authority

Given the complexity of agreements required to facilitate the proposed infrastructure, RMS considers it necessary for the developer, Council and RMS to undertake further consultation and reach agreement prior to the Department's determination, on an appropriate instrument to facilitate the occupation of the highway road reserve and the process for supervision of infrastructure construction, maintenance and decommissioning. It would be appreciated if you could please liaise with stakeholders to arrange such a meeting in Gunnedah to negotiate a mutually acceptable solution. RMS considers that the meeting will be beneficial in communicating the likely requirements to all stakeholders as early in the process as possible to assist in minimising future delay to the project timeline.

RMS provides the following preliminary draft condition requiring a Works Authorisation Deed (WAD) for the development;

- 3.1 All road works deemed necessary on the Kamilaroi Highway and prior to the issue of a Construction Certificate, the Developer will be required to enter into a 'Works Authorisation Deed' (WAD) with RMS. Prior to the introduction of any additional traffic associated with the subject development, an RMS Pre-Qualified Contractor would be required to complete all road works under the WAD to practical completion, as determined by RMS.

RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the Developer prior to the commencement of works. All works are to be undertaken at full cost to the Developer to the satisfaction of Council and RMS. The WAD will be required to address the construction, operation and decommissioning of the proposed 'Kamilaroi Highway Deviation and Rail Overpass' and associated structuring.

Improvements to the Kamilaroi Highway are to be designed and constructed in accordance with the relevant Austroads Guidelines and Australian Standards. It is recommended that the developer familiarise themselves with the requirements of the WAD process by referring to the RMS Private Developments website below:

http://www.rta.nsw.gov.au/roadprojects/community_environment/private_developments.html

Please note that the Works Authorisation Deed (WAD) will need to be executed prior to RMS' assessment of the detailed civil design plans. To minimise any delay in the RMS assessment process and to allow sufficient lead time for project development, it is recommended that the Developer liaise with the RMS Project Manager (WAD), Mr Stefan Wielebinski, on (02) 6640 1300 following the Department's determination.

Should you have any further enquiries regarding the above comments please do not hesitate to contact Matt Adams of RMS Development Northern on (02) 6640 1300 or via email at: development.northern@rms.nsw.gov.au

Yours sincerely



2 May 2013

John Alexander
Regional Manager, Northern Region