

10 March 2021

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

Attention: Gabrielle Allen

SSD 6395 – COMMENT ON RESPONSE TO SUBMISSIONS – PROPOSED SAND MINE, LOT 254 DP 753204, LOT 51 DP 1015671 & LOT 10 DP 1071458, NELSON BAY ROAD, BOBS FARM

Reference is made to the Department of Planning, Industry and Environment (DPIE) referral dated 24 February 2021 regarding the abovementioned application. DPIE referred the application to Transport for NSW (TfNSW) via the Major Projects Portal for comment on the response to submissions.

TfNSW'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.

TfNSW offers the following comments in relation to the proposed Sand Mine Project.

TfNSW response & requirements

TfNSW notes that proposed access is now via Nelsons Bay Road, a classified (State) road [MR108]. TfNSW provides in-principle support for the revised access, subject to design considerations.

TfNSW advises that there remain some design parameters with the proposed development that will require resolution as part of the Works Authorisation Deed (WAD) process. If the appli

TfNSW recommends the following conditions should the development application be supported:

- a) Prior to the issue of the Construction Certificate the developer shall enter into a Works Authorisation Deed (WAD) with Transport for NSW for the road works on Nelson Bay Road. Transport for NSW will exercise its powers and functions as the roads authority, to

undertake road works in accordance with Sections 64, 71, 72 and 73 of the *Roads Act 1993*, as applicable, for all works under the WAD (Attachment A).

- b) The developer shall obtain final consent from Transport for NSW for each specific change to the classified (State) road network prior to the commencement of any work.

Transport for NSW in principle support at development application stage does not guarantee Transport for NSW final consent to the specific road work and other matters for which it is responsible, on the road network.

- c) All road works subject to the Works Authorisation Deed (WAD) shall be completed prior to the issue of an Occupation Certificate for the development. The full cost of all works associated with the development, including all development subject to the Works Authorisation Deed, shall be borne wholly by the developer, and at no cost to Transport for NSW or Council.
- d) The intersection with Nelson Bay Road shall be designed and constructed in accordance with the current *Austroads Guide to Road Design* and Roads and Maritime supplements, to the satisfaction of Transport for NSW and Council. The development shall be consistent with the concept design (Property Access Details) Sheets DC-0001 to DC-0009 prepared by Tattersall Lander Pty Ltd dated 28.06.2019; and the Traffic Impact Assessment, dated January 2021, by SECA Solution Pty Ltd.

On determination of this matter, please forward a copy to TfNSW for record and / or action purposes. Should you require further information please contact Development Services North, on 4908 7688 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely,



Kate Mirow

A/Development Services Team Leader
Development Services North

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 Nelson Bay Road, including traffic management, temporary or permanent road works associated with the proposed development.

Advice to the Developer

- Following development consent, early discussion with the Transport for NSW (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
- Construction on a State road and / or traffic control signals requires the engagement of a 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>