

File No: NTH18/00059/04

Your Ref: DA282-11-2004-1- Mod 4 (Tweed Shire)

The Director
Major Projects
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Patrick Copas
Patrick.copas@planning.nsw.gov.au

Dear Sir,

Re: Major Project – Modification of DA282-11-2004-1 (Mod 4): Australian Bay Lobster Facility, Lot 1 DP1192506 - 9484 Tweed Valley Way, Chinderah.

I refer to your email dated 1 August 2019 requesting comment from Roads and Maritime Services in relation to the abovementioned development proposal.

Roles and Responsibilities

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

The Pacific Highway is a classified (State) road (HW10) under the *Roads Act 1993* (Roads Act). Tweed Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of Roads and Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination;

1. It is noted that site access traverses Roads and Maritime owned land, and that such access was previously granted by a *Deed of Licence for Site Access* (the Deed). Our records indicate that the Deed expired in September 2016, and as such, it appears that the Facility currently has no legal right of access. This matter was drawn to the applicant's attention in July 2018 (letter dated 30 July 2018), however, Roads and Maritime has no record of the Deed being renewed.

It is also noted that the previous Deed was specifically for the '*sole purpose of vehicles hauling fill and other materials to ABLP land from controlled access road*'. The point of access enters the southbound off ramp of the Tweed Valley Way/Pacific Highway interchange. It is understood that the Deed does not grant access for operational activities of the Facility.

This matter must be addressed prior to further activity on the site. It is recommended that the applicant be advised to contact Roads and Maritime as a matter of urgency and any further approvals be deferred until the matter of lawful access is resolved.

2. Given that no lawful right of access appears to exist from the Highway on/off ramp to the site at this time, the applicant may wish to investigate access via Altona Road, or other traffic management options in the interim period.
3. The Traffic Impact Assessment (TIA) provided with the application has not identified the type of haulage vehicles proposed to deliver fill to the site; or included a swept path analysis to demonstrate that such vehicles can safely enter and leave the site for all directions of travel. Very little detail of the movement of haulage onsite has been provided.

Further, details of the type and frequency of vehicles used for transport of seawater to the facility have not been provided, noting that approval is sought to allow such vehicles unlimited access 24/7. This detail should be sought prior to determination of the application, which includes proposed Mods 3 and 4.

4. If an approval is forthcoming, a Construction Traffic Management Plan (CTMP) should be prepared by a suitably qualified person. The CTMP should include a Traffic Management Plan (TMP) and Traffic Control Plans (TCPs). These requirements should be included as conditions of any approval granted.
5. It is recommended that haulage activities be restricted to hourly/daily rates, so that vehicle movements can be staggered across the day in accordance with an approved TMP. The times approved will need to be limited to standard working days and excluded from seasonal peak periods on the Pacific Highway (including school holiday times). This should be a condition of any approval granted.
6. The existing junction connecting the site to the Highway ramp does not appear to meet the geometric requirements of an Austroads Basic Left-Turn (BAL treatment) as quoted in the TIA, meaning that left-turning traffic would turn directly out of the through lane. This needs to be addressed.
7. The existing pavement of the access road was designed for infrequent agricultural usage only. There is potential for damage of pavement at this junction due to consistency/frequency of trucks turning into and out of the site. Consideration should be given to upgrading the pavement to account for the increased traffic proposed. A dilapidation report should be prepared to address this matter as a condition of any approval granted.

Advice to the Consent Authority

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Cheryl Sisson, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully



for Matt Adams
Manager Land Use Assessment, Northern
28 August 2019