



4 February 2020

General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Attention: Ryan Falkenmire

NELSON BAY ROAD (MR108): DA 16-2019-636-1, EXTRACTIVE INDUSTRY – SAND EXTRACTION, LOT: 591 DP: 1191380, 4226 NELSON BAY ROAD ANNA BAY

Transport for NSW (Transport) advises that legislation to bring Roads and Maritime Services and Transport together as one organisation came into effect on 1 December 2019 so we can deliver more integrated transport services across modes and better outcomes to customers and communities across NSW. Other than a name change from Roads and Maritime to Transport, it's business as usual and you can continue to enjoy the same service you do today.

Reference is made to Council's referral dated 10 October 2019, regarding the abovementioned application which was referred to Transport for comment in accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Transport understands the proposal to be for establishment of a sand extraction facility including construction of an ancillary Site Office and Manager's Residence. The proposed operations seek to remove wind deposited sand to natural ground level within an existing 33kV electrical easement and land immediately south of this easement. The proposal seeks to extract and remove up to 50,000 cubic metres (maximum) of sand per year over a 30 year period.

The development will operate between 7:00am and 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturdays and is expected to generate a maximum of 80 truck movement per day. Vehicular access is via the existing driveway off Nelson Bay Road (left in / left out) with proposed construction of a basic left turn (BAL) treatment on Nelson Bay Road.

Transport Response & Requirements

Transport'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.

Nelson Bay Road (MR108) is a classified State road. Council is the roads authority for this road and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*. Transport has

reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- Sealed pavement is required from the edge of pavement to the boundary line of the property.
- A basic left turn treatment (BAL) is to be constructed at the existing property entrance. This requirement is necessary to manage risk associated with heavy vehicles turning left from Nelson Bay Road into the facility.
- Vehicle numbers are to be regulated to specified 5 vph and if truck movements exceed 5vph that provision of an upgraded turning facility will be required.
- Council to advise Transport of measures which will be in place for the ongoing monitoring of truck movements.

Advice to Council

Transport recommends that the following matters should be considered by Council in determining this development:

- Transport has no proposal that requires any part of the property.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Nelson Bay Road stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Transport of any adjustments to the existing system that are required prior to final approval of the development.
- As road works are required on Nelson Bay Road, Transport will require the developer to enter into a Works Authorisation Deed (WAD) with Transport. Transport 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 Transport'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. Transport 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 Transport.

- All road works under the WAD shall be completed prior to commencement of sand extraction operations.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Transport or Council, and to Council's requirements.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Transport for record and / or action purposes. Should you require further information please contact Tim Chapman, Development Assessment Officer, 4908 7688 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Peter Marler
Manager Land Use Assessment
Hunter Region

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 within the appellant period for advice / consideration and action where required.
- Conditions of development consent do not guarantee Transport consent to the specific road works, traffic control signals and /or other structures or works for which it is responsible. The developer must obtain Transport authorisation in writing prior to the commencement of any road works on 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 Project Manager is recommended. Transport 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. Transport 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 Transport is satisfied that all requirements under the WAD have been met by the developer, including Roads and Maritime 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. Transport 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 Transport 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 Transport, under Part 5 of the EP&A Act.
- It is recommended that the developer use design consultants with the experience and knowledge of Transport design requirements, in particular the Austroads *Guide to Road Design* (with Roads and Maritime supplements) and relevant Australian Standards.
- A fact sheet providing further information on the WAD process can be obtained from the Transport 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 Transport pre-qualified contractor. A list of pre-qualified contractors can be found on the Transport website below.
<http://www.rms.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>