

28 April 2020

General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Attention:

PACIFIC HIGHWAY (H10) & ADELAIDE STREET (MR104): DA 16-2020-81-1 - WATER RETICULATION SYSTEM AND SEWERAGE SYSTEM - 17D IRRAWANG STREET RAYMOND TERRACE 2324

Transport for NSW (TfNSW) advises that legislation to dissolve Roads and Maritime Services and transfer its assets, rights and liabilities to TfNSW came into effect on 1 December 2019. It is intended that the new structure will enable TfNSW to deliver more integrated TfNSW services across modes and better outcomes to customers and communities across NSW.

For convenience, correspondence, advice or submissions made to or by Roads and Maritime Services prior to its dissolution, are referred to in this letter as having been made to or by 'TfNSW'.

On 5 March 2020, TfNSW accepted the referral by Port Stephens Council (Council) through the Planning Portal regarding the abovementioned application (Development Application). Council referred the Development Application to TfNSW for comment. This letter is a submission in response to that referral.

TfNSW understands the proposal to be for the development of a water and wastewater supply pipeline and a wastewater pumping station (the Proposal) to support the development of the Kings Hill Urban Release Area (Kings Hill URA)

TfNSW Response & Requirements

TfNSW's primary interests are in the road network, traffic and broader TfNSW 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.

The Pacific Highway (H10) and Adelaide Street (MR104) are classified State roads, and Irrawang Street and Rees James Road are local road. Council is the roads authority for these and all other

public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

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

- The watermain crossing of Adelaide Street (Chainage 1015 – 1102) is to be underbored and encased/sleeved, with minimum cover depth to encasement 1.5 metres.
- The watermain installation in Adelaide Street to Richardson Road (Chainage 1102 – 1835) to be in accordance with TfNSW M209, which references Street Opening Conference Guideline for cover depth in footpath (TfNSW preference is min. 0.6m cover).
- Watermain & sewermain installation along the Pacific Highway is to be in accordance with TfNSW M209, which references Street Opening Conference Guideline for cover depth in footpath (TfNSW preference is min. 0.6m cover).
- As works are required on Adelaide Street (MR104) and the Pacific Highway (H10), 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 Subdivision Certificate 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.
- TfNSW highlights that in determining the application under Part 4 of the *Environmental Planning & 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, such as (inter alia) removal of trees, relocation of utilities, stormwater management, etc. 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 the nature of the works, the Council may

require the developer to undertake further environmental assessment for any ancillary road works.

- The proponent shall ensure there is an approved Road Occupancy Licence (ROL) for the works. Contact Hunter Traffic Operations via the Roads and Maritime website (<https://www.rms.nsw.gov.au/business-industry/road-occupancy-licence/index.html>) to obtain a Road Occupancy Licence (ROL) prior to commencement of any road works within the State road corridor.

Advice to Council

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

- 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.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 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 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 Adelaide Street or Pacific Highway, 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.
- 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 an 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>

12 August 2020

General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324

Attention: Ryan Falkenmire

PACIFIC HIGHWAY (H10) & ADELAIDE STREET (MR104): DA 16-2020-81-1 - WATER RETICULATION SYSTEM AND SEWERAGE SYSTEM – RESPONSE TO SUBMISSIONS - 17D IRRAWANG STREET RAYMOND TERRACE

I refer to the notice from Port Stephens Council on 24 July 2020 via the Planning Portal regarding the Response to Submissions for the Kings Hill Development water and wastewater supply pipeline and a wastewater pumping station. The Response to Submissions related to TfNSW submission dated 28 April 2020.

TfNSW Response & Requirements

TfNSW's primary interests are in the road network, traffic and broader TfNSW 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.

The Pacific Highway (H10) and Adelaide Street (MR104) are classified State roads, and Irrawang Street and Rees James Road are local road. Council is the roads authority for these and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW has reviewed the referred information, including the Response to Submissions by Arcadis dated 22 July 2020, and provides the following comments to assist the consent authority in making a determination:

- TfNSW response to DA 16-2020-81-1 recommended the proposed water and waste water infrastructure was provided within the State road network via a Works Authorisation Deed (WAD).

- The Response to Submissions rejects the need for the works to be delivered under a WAD, and instead considers that delivery under Section 138 of the *Roads Act 1993* is the appropriate approval pathway.
- TfNSW has reviewed the request and agrees that the works can be delivered via s138 with concurrence to be sought from TfNSW as per the requirements of the Roads Act.

On determination of this matter, please forward a copy of the Notice of Determination to TfNSW for record and / or action purposes. Should you require further information please contact me on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

Peter Marler
Manager, Land Use Assessment
Hunter Region