

Attachment I – Referral comments, TfNSW

23 March 2023

File No: NTH22/00550/06

Your Ref: DA2022/721/1

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Attention: Georgia Lee

River Street (MR695): DA 2022/721/1, Seniors Housing Development, Lot: 1 DP: 124173 and Lot: 1 DP: 522558, 550-578 River Street & 6 Burns Point Ferry Road West Ballina

I refer to the abovementioned Development Application referred to Transport for NSW (TfNSW) on 15 March 2023 for comment in accordance with Section 2.122 / Schedule 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

River Street (MR695) is a classified Regional road and Burns Point Ferry Road is a local road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW Response and Requirements

TfNSW has reviewed the information provided and raises no objection to the proposed development, provided the following matter(s) are addressed and included in Council's conditions of development consent:

- The construction access via River Street (MR695) is to be decommissioned and the road verge reinstated at the completion of the construction stage.
- The Emergency Access via River Street (MR695) is to be gated.

TfNSW Concurrence under section 138, Roads Act 1993

Should Council approve the proposed development and recommended works, in accordance with Section 138 of the *Roads Act 1993*, TfNSW will concur to the driveway works generally in accordance with:

- Drawing No. G22-053-PR03 Rev A, prepared by Westera Partners dated 13 December 2022
- Construction Management Plan Figure 3 – Staging Plan for the Development, prepared by Westera Partners and dated 12 December 2022

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and subject to Council ensuring that:

- The driveways be installed so no interference is caused to any future road asset maintenance activities within the road reserve.
- No attachment is to be made to any drainage structure or use of structure service conduits without prior consent from TfNSW.
- Any maintenance to the service to be at no cost to TfNSW.
- Any restoration required, as a result of any damage to the service by parties other than TfNSW, to be at no cost to TfNSW.
- TfNSW does not guarantee the location of existing underground services, if any. Council must be satisfied as to the existence and location of these services and indemnify TfNSW from any claims due to damage arising from this activity.
- The proponent must undertake Public Liability Insurance to the amount of not less than \$20 million. The insurance must be extended to cover the interests of the TfNSW (or its agent) and Council by any contractor engaged on the construction and/or maintenance of the work.
- Works undertaken within the road reserve will require a Traffic Guidance Scheme (TGS). The TGS must comply with *Australian Standard 1742.3* and the work health and safety requirements in the *Work Health and Safety Regulation 2017*.

Advice To Council

TfNSW provides the following further comments to assist the consent authority in making a determination:

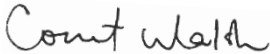
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance 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 driveways promotes safe vehicle movements.
- 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.

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- All matters relating to internal arrangements on-site such as traffic / pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW for our records. Should you require further information please contact Kate Leonard, Development Services Case Officer, on 1300 207 783 or by emailing development.north@transport.nsw.gov.au.

Yours faithfully



Court Walsh

A/ Team Leader Development Services
North Region | Community & Place
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